



**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

259

**CRM-M-63647-2025
Decided on : 09.12.2025**

Arshdeep Singh @ Bakra

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present : Mr. Yajur Sharma, Advocate
for the petitioner.

Mr. Amit Shukla, DAG, Punjab,
for the respondent-State.

RUPINDERJIT CHAHAL, J (ORAL)

1. Prayer in the instant petition filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 is for grant of regular bail to the petitioner in case FIR No.158 dated 30.09.2025, registered under Sections 21 and 27(a) of the Narcotic Drugs and Psychotropic Substances Act, 1985, at Police Station Chattiwind, District Amritsar, Rural.

2. Brief facts as per the prosecution case are that on 30.09.2025, SI Dharminder Singh along with his fellow police officials was on patrolling duty and on suspicion apprehended the petitioner, who was found in conscious possession of 16 grams of heroin and Rs.600/- drug money. Hence the present FIR.

3. Learned counsel for the petitioner contends that the petitioner has



been falsely implicated in the present case and he has no concern with the said offence. He further contends that mandatory provisions of the NDPS Act were not complied with at the time of alleged search and seizure. He contends that the recovery of alleged contraband has already been effected from the petitioner which falls under non-commercial quantity and nothing more is to be recovered him. The petitioner is in custody since 30.09.2025 and have clean antecedents. As the challan in this case has not been presented, therefore, the trial will take a long time to conclude and no useful purpose would be served by keeping the petitioner behind bars. Therefore, it is urged that the petition deserves to be allowed.

4. On the other hand, learned State counsel has filed the custody certificate of the petitioner as well as the status report, which are taken on record. He has vehemently opposed the prayer for grant of bail by submitting that the offence committed by the petitioner is serious in nature and he was apprehended at the spot with the alleged contraband. However, he has not controverted the fact that the petitioner is first time offender as he is not involved in any other case.

5. Having heard learned counsel for the parties at length and after perusing the record of the case, it is evident that the petitioner is in custody for the last more than 02 months and 06 days; challan has not been presented and the fact that trial may take a long time to conclude, no useful purpose would be served by detaining him in further custody. Keeping the petitioner in further detention without the prospect of the trial being concluded in the near future would be violative of his rights under Article 21 of the Constitution of India.

6. Reliance is placed upon a judgment in the case of *Dataram Singh*



vs. State of Uttar Pradesh & Anr. 2018(2) R.C.R. (Criminal) 131, wherein Hon’ble Apex Court has held that keeping somebody behind the bars, till his guilt is proved, for an indefinite period amounts to infringement of his right to life and liberty, as enshrined under Article 21 of Constitution of India and is against the principle “bail is a rule” and “jail is an exception”.

7. In view of the above, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate/CJM concerned. It is clarified that nothing stated herein shall be construed as an expression of opinion on the merits of the case.

09.12.2025
mamta

(RUPINDERJIT CHAHAL)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No