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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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Date of Decision: 12.12.2025

TEJBIR SINGH @ TEJA**... PETITIONER****VERSUS****STATE OF PUNJAB****... RESPONDENT****CORAM : HON'BLE MR. JUSTICE H.S.GREWAL**

Present:- Mr. Rishu Mahajan, Advocate for the petitioner.

H.S. Grewal, J.(Oral)

1. This petition has been filed under Section 483 of the BNSS for grant of regular bail to the petitioner in FIR No. 115 dated 16.07.2024 under Sections 21C/23/25 of NDPS Act later on Sections 341(4) BNS has been added registered at Police Station Chheharta, District Amritsar.
2. The case of the prosecution is that on the basis of secret information, the accused was apprehended, and from his conscious possession, 1 kg 470 grams of heroin along with one motorcycle were recovered. There are specific allegations that the applicant has connections with Pakistani smugglers and that he has been actively involved in the trade of narcotic substances
3. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case. It is contended that nothing was recovered from the conscious possession of the petitioner, as the alleged contraband was recovered from the handle compartment of a motorcycle which does not belong to him. He further submits that the petitioner has been in custody since 16.07.2025 and is not involved in any other criminal case.
4. Notice of motion.

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5. Mr. Parneet Singh Pandher, Assistant A.G. Punjab accepts notice on behalf of the respondent-State and vehemently opposes the bail application on the ground that the petitioner was found in conscious possession of 1 Kg 470 grams of Heroin. He has filed the custody certificate of the petitioner in Court today, which is taken on record. As per the custody certificate, the petitioner is in custody for the last 01 year 04 months and 19 days. He, however, does not dispute the fact that the petitioner is not involved in any other case. Learned State counsel further submits that challan has been presented and out of 16 prosecution witnesses only 02 have been examined.

6. I have heard the submissions made by the parties and gone through the record.

7. Keeping in view the facts and circumstances of the case and the fact out of 16 prosecution witnesses only 02 have been examined; trial in the case is progressing at snails pace and would take considerable time to conclude, this Court is of the opinion that no useful purpose would be served for further incarceration of the petitioner. The petitioner is in custody for the last 01 year 04 months and 19 days and is not involved in any other case. Therefore, his continued detention would not serve any purpose. Moreover, bail is rule and jail is exception. Hence, this Court deems it appropriate to grant the concession of regular bail to the petitioner during the pendency of the trial.

8. Therefore, without expressing any opinion on the merits of the case, the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing requisite bail bonds, surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate concerned.



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9. It is clarified that if on bail so granted through the instant order, the petitioner is found indulging in any other criminal case it shall be open to the State to seek cancellation of his bail.
10. Pending applications, if any, shall also be disposed of.

12.12.2025
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(H.S.GREWAL)
JUDGE

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