



CRM-M-67264-2025

-1-

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

223

CRM-M-67264-2025

Date of Decision: 05.12.2025

Sandeep Kumar @ Sundeep

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present: Mr. Saurav Rao, Advocate, for
Mr. A.S. Manaise, Advocate
for the petitioner.

Mr. Adesh Pal Singh, AAG, Punjab.

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.86 dated 24.03.2025 registered under Section 21, 27(a) and 61 of the Narcotic Drugs and Psychotropic Substances Act, 1985, at Police Station Civil Lines Batala, Police District Batala.

2. Brief facts of the present case are that as per the prosecution, on 24.03.2025, SI Avtar Singh, along with his fellow police officials was on patrolling duty and on suspicion, apprehended the petitioner along with one Raman. It is alleged that the petitioner was found in conscious possession of Rs.500/- drug money and weighing scale and co-accused Raman was found in possession of 10 grams heroin along with Rs.550/- drug money. Hence, the

**CRM-M-67264-2025****-2-**

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 argued that small amount of Rs.500/- recovered from the petitioner cannot be termed as drug money. He further argued that recovery of alleged contraband has already been effected from co-accused Raman, which falls under the non-commercial quantity and no further recovery is to be effected from the petitioner. The petitioner is in custody since 24.03.2025. The investigation in the case is complete, challan stands presented and charges have also been framed. There are total 13 prosecution witnesses in this case but none has been examined till date and as such, the trial will take a long time to conclude and no useful purpose would be served by keeping him behind bars. Therefore, it is urged that the petition deserves to be allowed.

4. Notice of motion.

5. Learned State counsel, who has appeared on advance notice of the petition, has filed the custody certificate of the petitioner, which is 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. He has further submitted that the petitioner is involved in one more case meaning thereby he is a habitual offender.

6. 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 08 months; investigation is complete; challan stands



CRM-M-67264-2025

-3-

presented; charges framed; nothing more is to be recovered from him, no prosecution witness has been examined till date; the complicity of the petitioner is a matter of trial, and will take a long time to conclude. Thus, no useful purpose would be served by detaining him in further custody. His continued 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.

7. 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 her 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*".

8. As regards the submission of learned State counsel that petitioner is involved in other/one more criminal case(s), reference is placed upon the judgment of the Hon'ble Supreme Court in ***Maulana Mohd. Amir Rashadi Vs. State of U.P. and another, 2012 (2) SCC 382*** in which, it is held that the facts and circumstances of the present case are to be seen while deciding a bail application and the bail application of the petitioner cannot be rejected solely on the ground that the petitioner is involved in other/another case(s). The relevant portion of the said judgment is reproduced herein-below:-

"As observed by the High Court, merely on the basis of criminal antecedents, the claim of the second respondent cannot be rejected. In other words, it is the duty of the Court to find out



CRM-M-67264-2025

-4-

the role of the accused in the case in which he has been charged and other circumstances such as possibility of fleeing away from the jurisdiction of the Court etc."

9. 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.

05.12.2025

D.Bansal

(RUPINDERJIT CHAHAL)
JUDGE

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