



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

110+218

**CRM-51765-2025 IN/AND
CRM-M-70920-2025
Date of Decision: 19.12.2025**

MAJOR SINGH

... Petitioner

VERSUS

STATE OF PUNJAB

... Respondents

CORAM: HON'BLE MR. JUSTICE H.S. GREWAL.

Present: Mr. Kamal Narula, Advocate
for the petitioner.

H.S. GREWAL, J. (ORAL)
CRM-51765-2025

At the very outset, learned counsel for the applicant-petitioner seeks
withdrawal of the instant application.

Dismissed as withdrawn.

MAIN CASE

This petition has been filed under Section 483 Bharatiya Nagrik
Suraksha Sanhita, 2023 seeking regular bail for the petitioner in case FIR No.154
dated 05.12.2023 under Sections 21/23/29 of NDPS Act, 1985 (Section 27-B of
NDPS Act, 1985 added later on) registered at Police Station Sadar Jalalabad,
District Fazilka, Punjab.

2. The case of the prosecution is that the petitioner was booked in the
instant case for having been found in conscious possession of 4.155 Kgs of heroin.

3. Learned counsel for the petitioner contends that the petitioner is innocent and has been falsely implicated in the present case. He submits that the petitioner is not involved in any other case under NDPS Act and the trial has not commenced yet since no witness has been examined despite framing of the charges on 05.12.2024. The trial is thus likely to take a long time to conclude. He further submits that the petitioner is in custody for the last about 02 years and 08 days. Hence, the counsel prays for grant of regular bail to the petitioner.

4. Notice of motion.

5. Mr. Rohit Hans, DAG, Punjab accepts notice and vehemently opposes the petition for grant of bail on the ground that there is an active role of the petitioner in the commission of the offence in question. Hence, he prays for dismissal of the present petition.

6. I have heard the learned counsel for the parties and perused the record.

7. Undisputedly, the allegations against the petitioner are serious. However, the learned State Counsel is not in a position to deny the fact that the petitioner is not involved in any other case under NDPS Act, 1985 and that he is already in custody for the last 02 years and 08 days. It is also noteworthy that the charges against the petitioner were framed on 05.12.2024 and the prosecution has cited 26 witnesses, but not even a single amongst them has been examined till date. Hence, the possibility of the trial taking long time to conclude cannot be ruled out at this stage. Moreover, speedy trial is a material right of the petitioner, which could not be infringed and he cannot be kept behind bars for long, especially when his guilt is yet to be proved in accordance with law.

8. Keeping in view the facts and circumstances of the case and taking into consideration the fact that the petitioner is in custody for the last 02 years and 08 days and the trial against the petitioner might take long time to conclude, this Court is of the opinion that the petitioner deserves the concession of regular bail. Moreover, bail is rule and jail is exception. Since the continuous incarceration of the petitioner would not serve the ends of justice, this Court deems it fit to grant the concession of regular bail to the petitioner during the pendency of the trial.

9. 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/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

10. It is clarified that if while on bail so granted through the instant order, the petitioner is found indulged in any other criminal case/activity, it shall be open to the State to seek cancellation of his bail.

11. Nothing discussed hereinabove shall be construed as an expression of opinion on the merits of the case.

DECEMBER 19, 2025.

Rajender

**(H.S. GREWAL)
JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No