

2025:PHHC:176394



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

213

CRM-M-70734-2025
Date of Decision: 19.12.2025

BALJINDER SINGH @ BINDA

... Petitioner

VERSUS

STATE OF PUNJAB

... Respondents

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

Present: Mr. J.S. Thakur, Advocate
for the petitioner.

H.S. GREWAL, J. (ORAL)

This petition has been filed under Section 483 Bharatiya Nagrik Suraksha Sanhita, 2023 seeking regular bail for the petitioner in case FIR No.158 dated 22.10.2024 under Sections 15 and 25 of NDPS Act, 1985 registered at Police Station Sadar Jagraon, District Ludhiana Rural.

2. The case of the prosecution is that on the basis of secret information received by the police, a raid was conducted, whereupon one Gurlovleen Singh @ Garry and Baljinder Singh @ Binda (petitioner herein) alongwith a vehicle and 81 plastic bags each containing 20 kgs of poppy husk were apprehended.

3. Learned counsel for the petitioner contends that the petitioner was merely found present in the premises where the raid was conducted and that the contraband was recovered. It is further contended that the petitioner was not found in conscious possession of the contraband as neither the vehicle in question nor the premises/shed from where the contraband was recovered, belong to the

petitioner. It further submits that the prosecution has shown the petitioner to be in conscious possession merely on the basis of a secret information. He further contends that the petitioner is in custody for the last 01 year, 01 month and 20 days and the charges are yet to be framed. It is further contended that the petitioner is not involved in any other case. 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. He further submits that the quantity of contraband recovered from the petitioner is very huge and commercial. Hence, he prays for dismissal of the present petition. Custody certificate filed by the State Counsel is taken on record. As per the said certificate, the petitioner has already undergone a period of 01 year, 01 month and 20 days.

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

7. 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 01 year, 01 month and 20 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.

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/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.
9. 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.
10. 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