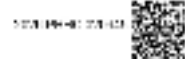


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CRM-M-4313-2026

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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-4313-2026

Date of decision: 11.02.2026

PRABHJOT SINGH ALIAS PRABH

....Petitioner

Versus

STATE OF PUNJAB

....Respondent

CORAM:- HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present:- Mr. Harmanpreet Singh, Advocate for the petitioner.

Mr. Surinderjit Singh Nahar, AAG Punjab.

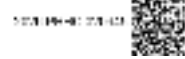
.....

RUPINDERJIT CHAHAL, J. (ORAL)

1. Prayer in the instant petition filed under Section 483 of BNSS, 2023 is for grant of regular bail to the petitioner in case FIR No.161 dated 02.10.2025 registered under Sections 21, 27A, 29, 61, 85 of the Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station Chhatiwind, District Amritsar Rural.

2. Brief facts of the present case, as per the prosecution, are that on 02.10.2025, H.C. Pargat Singh along with his fellow police officials was on a patrolling duty and on the basis of suspicion apprehended one Rohit Singh *alias* Shishi and the petitioner. On search, co-accused Rohit Singh *alias* Shishi was found in conscious possession of 06 grams of Heroin whereas drug money of Rs.300 was recovered from the petitioner.

3. Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case and he has no concern with

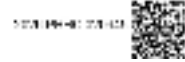


NDPS Act were not complied with at the time of alleged search and seizure. He argued that recovery of alleged contraband has already been effected and nothing more is to be recovered from him. He further contends that the recovered quantity is non-commercial in nature. The petitioner is in custody since 02.10.2025. The matter is still under investigation. He further submits that the trial will take a long time to conclude and no useful purpose would be served by keeping him behind the bars. It is urged that the petition deserves to be allowed.

4. Learned State counsel has filed the custody certificate and 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 co-accused with the alleged contraband and drug money. He has further submitted that the petitioner is involved in one more case, meaning thereby he is a habitual offender.

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 04 months; recovered contraband falls under non-commercial quantity; investigation is underway; and the fact that trial may take a long time to conclude, no useful purpose would be served by detaining her 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***



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*".

7. Moreover, prolonged detention of the petitioner, without any likelihood of the trial being concluded in the near future, would amount to a violation of their fundamental rights guaranteed under Article 21 of the Constitution of India.

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 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.

11.02.2026
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(RUPINDERJIT CHAHAL)
JUDGE

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|-----|----------------------------|--------|
| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |