

2026:PHHC:054729



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH
CRM-M-6467-2026

Rohit Singh
State of Punjab
Versus
...Petitioner
...Respondent

Sr. No.	Particulars	Details
1	The date when the judgment is reserved	08.04.2026
2	The date when the judgment is pronounced	10.04.2026
3	The date when the judgment is uploaded on the website	10.04.2026
4	Whether only operative part of the judgment is pronounced or full judgment is pronounced	Full
5	The delay, if any, of the pronouncement of full judgment, and reasons thereof	Not applicable

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Chahit Bansal, Advocate for the petitioner.
Ms. Sakshi Bakshi, Assistant Advocate General, Punjab.

MANISHA BATRA, J :-

The instant one is the second petition filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short ‘BNSS’) by the petitioner seeking grant of regular bail in case bearing FIR No. 50 dated 07.07.2024 registered under Sections 21(c), 25 and 29 of Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, ‘NDPS Act’) at Police Station Ladhuwal, Police Commissionerate, Ludhiana. His previous petition bearing CRM-M- No. 4592-2025 had been dismissed as withdrawn vide order dated 26.03.2025.

2. Brief facts of the case relevant for the purpose of disposal of this

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petition are that on 07.07.2024, a police party headed by SI Sohan Lal was on patrolling duty, which noticed a car make Hyundai i-20 bearing registration number PB-10-GJ-5133 lying parked near Bharat Petrol Pump. Three persons were seen standing near the said car, who, on seeing the police party, threw polythene envelopes on the ground but were apprehended by the police party. On inquiry, they disclosed their names as Rohit Singh(petitioner), Akashdeep Singh @ Akash and Rahul Mattu @ Gopi. Search of the polythene bags, which they had thrown, was conducted and recovery of 100 grams of *heroin* was effected from the polythene bag, which was thrown by the petitioner, whereas recovery of 180 grams and 230 grams of *heroin* was effected from the polythene bags thrown by the co-accused Rahul Mattu @ Gopi and Akashdeep Singh @ Akash, respectively. Since they could not produce any valid license or permit to keep in their possession the recovered contraband, they were formally arrested at the spot. After completion of necessary investigation and usual formalities, challan was presented in the Court and presently, the petitioner along with the co-accused is facing trial for commission of aforementioned offences.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. In fact, the alleged recovery was planted upon him. More so, as per own version of the prosecution, only 100 grams of *heroin* was recovered from the petitioner, which does not fall under commercial quantity. It is further argued that the recovery effected from the aforesaid co-accused cannot be added to bring it within the ambit of commercial quantity. Reliance in this regard is placed on the authority cited as ***Amarsingh***

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Ramjibhai Barot vs. State of Gujarat : 2005(7) SCC 550. The petitioner has clean antecedents and is not involved in any other case. Even otherwise, investigation stands completed and *challan* has been filed. Conclusion of trial is likely to take time as only 01 out of 17 prosecution witness has been examined so far. The petitioner is in custody since 07.07.2024. No useful purpose would be served by keeping him in custody anymore. Therefore, it is urged that the petition deserves to be allowed and the petitioner deserves to be released on regular bail.

4. Status report has been filed by the respondent-State. Learned State counsel has argued that keeping in view the gravity of the allegations levelled against the petitioner, he is not entitled to get benefit of bail. There are chances of his absconding or committing similar offences, if extended benefit of bail. Moreso, the instant petition, being a successive petition, is not maintainable. Hence, it is urged that the petition is liable to be dismissed.

5. This Court has heard the rival submissions made by learned counsel for the parties at considerable length.

6. As per the prosecution, recovery of 100 grams of *heroin* was effected from the petitioner, whereas recovery of 230 grams and 100 grams of heroin was effected from the polythene bags thrown by co-accused Akashdeep Singh @ Akash and Rahul Mattu @ Gopi, respectively. The quantity of the contraband recovered from the petitioner does not fall under the commercial quantity, threshold quantity of which is 250 grams. Hence, in view of ratio of law as laid down in ***Amarsingh's case (supra)***, it will be a question of debate as to whether the recovery effected from the co-accused can be taken into

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consideration against the present petitioner to bring it within the ambit of commercial quantity and the same can be decided by the learned trial Court at the final conclusion of trial after appreciating the entire material and evidence placed on record before it.

7. This is the second petition for grant of bail. The previous petition filed by the petitioner, had been dismissed about 01 year and 01 month back. The petitioner is in custody for a period of over 01 year and 09 months. This factor, in the opinion of this Court, is a ground to move for bail afresh. The Hon'ble Apex Court has observed in a catena of cases that an accused cannot be kept in custody for an indefinite period of time, and the bail application can be considered on its own merits even if it is filed repeatedly. It has also been held that every day spent in custody can provide a new cause of action for filing a bail application under certain circumstances. This principle is a part of the broader approach emphasizing that law prefers bail over jail, aiming to balance the right of the accused with the requirements of the criminal justice system. Prolonged detention itself is a ground for reconsideration of bail since settled proposition of law is that detention prior to trial should not become punitive. It is also well settled proposition of law that prolonged incarceration generally militates against the most precious fundamental right guaranteed under Article 21 of the Constitution and in such cases, when there is delay in conclusion of trial without there being any fault on the part of the accused, he becomes entitled to be released on bail. Since the trial of this case, apparently and evidently is shown to have been delayed, as such, this Court is of the

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considered opinion that no fruitful purpose would be served by detaining the petitioner in custody. It is well settled proposition of law that pre-trial incarceration should not be a replica of post-conviction sentence and that bail is the rule and jail is an exception. The petitioner has clean antecedents and is not involved in any other case. He is in custody since 07.07.2024. Investigation has since been completed and challan has been filed. However, no prosecution witness has been examined so far, which means conclusion of trial is likely to take time. Keeping in view the discussion as made above and on parity, this Court is of the considered opinion that no useful purpose would be served by keeping him in custody anymore. Accordingly, the present petition is allowed. The petitioner is ordered to be released on regular bail, subject to his furnishing personal/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned. However, it will be open for the prosecution to apply for cancellation of bail in case the petitioner is found involved in any other subsequent case.

8. It is made clear that any observation made herein above is only for the purpose of deciding the present petition and the same shall have no bearing on the merits of the case.

9. Since the main petition has already been disposed of, pending application, if any, is rendered infructuous.

[MANISHA BATRA]
JUDGE

10th April, 2026

Parveen Sharma

1. Whether speaking/ reasoned	:	Yes / No
2. Whether reportable	:	Yes / No