

2026:PHHC:041617



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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-6905-2026

Vishal

....Petitioner

versus

State of Punjab

....Respondent

Date of Decision: March 17, 2026

Date of Uploading: March 17, 2026

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present:- Mr. Vikas Gupta, Advocate for the petitioner.

Mr. Jaypreet Singh, DAG Punjab.

SUMEET GOEL, J. (ORAL)

Present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') for grant of regular bail to the petitioner, in case bearing FIR No.203 dated 23.12.2025, registered for the offences punishable under Sections 21, 27-A, 29, 61, 85 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS Act'), at Police Station Chattiwind, District Amritsar.

2. The gravamen of the FIR in question is that the petitioner is an accused of being involved in an FIR pertaining to NDPS Act involving alleged recovery of 70.50 grams, in total (20.50 grams and Rs.1,000/- drug money from the petitioner; 50 grams of Heroin and Rs.1,000/- drug money from co-accused, namely, Somandeep Singh alias Simmu, who was implicated on the basis of disclosure of the petitioner).

3. Learned counsel for the petitioner has iterated that the petitioner is in custody since 23.12.2025. Learned counsel has further submitted that mandatory provisions of the NDPS Act have not scrupulously been complied with, and thus, the prosecution case suffers from inherent defects. Learned counsel has argued that the petitioner has been falsely implicated into the FIR in question. Learned counsel has iterated that the contraband alleged to have been recovered from the petitioner is of 20.50 grams of Heroin, which is non-commercial in nature. Learned counsel has also argued that sole basis for recovery of Rs.1,000/- as drug money is the confessional statement of the petitioner and there is no tangible/ perceptible material to support the cause of the prosecution. Learned counsel has further iterated that the petitioner has suffered incarceration for more than 02 months. Thus, regular bail is prayed for.

4. Learned State counsel, while raising submissions in tandem with the status report by way of an affidavit dated 16.03.2026 (filed in the Court today and taken on record), has opposed the present petition by arguing that the allegations raised against the petitioner are serious in nature and, thus, the petitioner does not deserve the concession of the regular bail. Learned State counsel seeks to place on record custody certificate dated 16.03.2026, in the Court today, which is taken on record.

5. I have heard counsel for the rival parties and have gone through the available records of the case.

6. The petitioner was arrested on 23.12.2025 and is in continuous custody since then. The culmination of investigation as also trial emanating therefrom, in case occasion so arise will take long time to conclude. It is not in dispute that the contraband allegedly recovered from the petitioner is 20.50

grams of Heorin, which is non-commercial in nature. Indubitably, the petitioner has been implicated on account of recovery of Rs.1,000/- on the basis of confessional statement of the petitioner. The rival contentions raised at Bar give rise to debatable issues, which shall be ratiocinated upon during the course of trial. This Court does not deem it appropriate to delve deep into these rival contentions, at this stage, *lest* it may prejudice the trial. Nothing tangible has been brought forward to indicate the likelihood of the petitioner absconding from the process of justice or interfering with the prosecution evidence.

6.1. As per custody certificate dated 16.03.2026 filed by the learned State counsel, the petitioner has already suffered incarceration for a period of 02 months and 20 days, & is not shown to be involved in any other case.

Suffice to say, further detention of the petitioner as an undertrial is not warranted in the facts and circumstances of the case.

7. In view of above, the present petition is allowed. Petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the Ld. concerned trial Court/Duty Magistrate. However, in addition to conditions that may be imposed by the concerned trial Court/Duty Magistrate, the petitioner shall remain bound by the following conditions:

- (i) The petitioner shall not mis-use the liberty granted.
- (ii) The petitioner shall not tamper with any evidence, oral or documentary, during the trial.
- (iii) The petitioner shall not absent himself on any date before the trial.
- (iv) The petitioner shall not commit any offence while on bail.
- (v) The petitioner shall deposit his passport, if any, with the trial Court.
- (vi) The petitioner shall give his cellphone number to the Investigating Officer/SHO of concerned Police Station and shall not change his cell-phone number without prior permission of the trial Court/Illaqa Magistrate.
- (vii) The petitioner shall not in any manner try to delay the trial.
- (viii) The petitioner shall submit, on the first working day of every month, an affidavit, before the concerned trial Court,

to the effect that he has not been involved in commission of any offence after being released on bail. In case the petitioner is found to be involved in any offence after his being enlarged on bail in the present FIR, on the basis of his affidavit or otherwise, the State is mandated to move, forthwith, for cancellation of his bail which plea, but of course, shall be ratiocinated upon merits thereof.

8. In case of breach of any of the aforesaid conditions and those which may be imposed by concerned trial Court/Duty Magistrate as directed hereinabove or upon showing any other sufficient cause, the State/complainant shall be at liberty to move cancellation of bail of the petitioner.

9. Ordered accordingly.

10. Nothing said hereinabove shall be construed as an expression of opinion on the merits of the case.

11. Since the main case has been decided, pending miscellaneous application, if any, shall also stands disposed off.

(SUMEET GOEL)
JUDGE

March 17, 2026

mahavir

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No