



CRM-M-8935-2026

-1-

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

239

CRM-M-8935-2026

Date of Decision: 23.04.2026

Harjinder Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present: Ms. G.K. Mann, Sr. Advocate with
Mr. Anmol Jeevan S. Gill, Advocate and
Ms. Shruti, Advocate
for the petitioner.

Ms. Amrit Kaur Mahir, AAG, Punjab.

RUPINDERJIT CHAHAL, J (ORAL)

1. Prayer in the instant petition filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 is for grant of regular bail to the petitioner in case FIR No.140 dated 14.12.2025 registered under Section 25/54/59 of the Arms Act and Sections 21/29/61/85 of the Narcotic Drugs and Psychotropic Substances Act, 1985, at Police Station Khalchain, District Amritsar.

2. Brief facts of the present case as per the prosecution are that on 14.12.2025, ASI Rajwinder Singh, along with his fellow police officials was on patrolling duty and on suspicion, they apprehended the petitioner along with other co-accused persons namely Narinder Singh and Jaskaran Singh.

On search, one country made .30 bore pistol along with magazine with two

**CRM-M-8935-2026****-2-**

bullets inside magazine were recovered from co-accused Narinder Singh, whereas one country made .32 bore pistol with two bullets in magazine and 40 grams of heroin were recovered from co-accused Jaskaran Singh and nothing incriminatory was found from the petitioner. Hence, the present FIR.

3. Learned senior counsel for the petitioner has submitted that the petitioner has been falsely implicated in the present case and he has no concern with the said offence. She further submitted that mandatory provisions of the NDPS Act were not complied with at the time of alleged search and seizure. She argued that recovery of alleged contraband alongwith weapons have already been effected from the co-accused persons and nothing is to be recovered from the petitioner. Further, co-accused Narinder Singh, who was apprehended at the spot with the petitioner, has already been granted the concession of regular bail by the learned trial Court, vide order dated 26.02.2026. Moreover, the petitioner has clean antecedents as he is not involved in any other case. The petitioner is in custody since 14.12.2025. The investigation in this case is complete, challan also stands presented but charges are yet to be framed. She further submitted that the trial will take a long time to conclude and no useful purpose would be served by keeping him behind bars. Therefore, it is urged that the petition deserves to be allowed.

4. Notice of motion.

5. Learned State counsel, who has appeared on advance notice of the petition, has filed the custody certificate of the petitioner, which is taken on record and while referring to the status report already filed in the matter,



CRM-M-8935-2026

-3-

she has vehemently opposed the prayer for grant of bail by submitting that the offence committed by the petitioner is serious in nature. She argued that the petitioner was apprehended at the spot with other co-accused persons with the alleged contraband and illegal weapons. However, she has not controverted the fact that nothing incriminatory has been recovered from the petitioner and he is a first time offender as he is not involved in any other case.

6. 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 more than 04 months; he has clean antecedents; investigation is complete; challan stands presented; charges are yet to be framed; the complicity of the petitioner is a matter of trial, and will take a long time to conclude. Thus, no useful purpose would be served by detaining him in further custody. His continued 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.

7. Reliance is placed upon a judgment in the case of ***Dataram Singh vs. State of Uttar Pradesh & Anr. 2018(2) R.C.R. (Criminal) 131***, 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 his 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*".

**CRM-M-8935-2026****-4-**

8. 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.

(RUPINDERJIT CHAHAL)
JUDGE

23.04.2026*D.Bansal*

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No