

2026:PHHC:041918



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

202

CRM-M-7919-2026
Date of Decision: 17.03.2026

VISHAL KALYAN @ LOCHA

... Petitioner

VERSUS

STATE OF PUNJAB

... Respondent

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

Present: Mr. Shiv Kumar Sharma, Advocate
for the petitioner.

Mr. Rohit Hans, DAG, Punjab.

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.0059 dated 04.04.2025 under Sections 21, 25 and 29/61/85 of the NDPS Act, 1985 registered at Police Station Sadar Jagraon, District Ludhiana Rural.

2. The case of the prosecution is that on 04.04.2025, 400 grams of heroin was recovered from one Ajay Singh @ Ajay and Sagar. On the basis of disclosure statement made by them, the petitioner herein was nominated as an accused in the present case. It is also alleged that the petitioner is involved in four other cases under the NDPS Act.

3. Learned Counsel for the petitioner contends that the sole basis of implicating the petitioner in the present case is the disclosure statement made by the co-accused. He further submits that although the petitioner is involved in four

more cases under the NDPS Act, however, in the present case, apart from the said disclosure statement, there is no other evidence or material to connect the petitioner with the alleged offence. It is further submitted that the petitioner is in custody for the last 05 months and 18 days. The challan has been presented in the Court, trial is yet to commence and the same will take a long time to conclude. He thus prays that the petitioner be granted the concession of regular bail.

4. Learned State Counsel files reply on behalf of the State and vehemently opposes the petition for grant of bail on the ground that the allegations and role attributed to the petitioner in the commission of the alleged offence are very serious in nature and the petitioner has actively participated in the alleged offence. He further submits that the petitioner is habitual offender as he is involved in four other cases under the NDPS Act and as such, he does not deserve the concession of bail. Hence, he prays for dismissal of the present petition. Custody certificate produced by the State Counsel is taken on record.

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

6. 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 05 months and 18 days coupled with the fact that the trial of the case is yet to commence and will take a long time to conclude, this Court is of the opinion that the petition in hand deserves to be allowed. Moreover, bail is rule and jail is exception. Since the continuous incarceration of the petitioner would not serve the ends of justice, therefore, he is entitled to regular bail during the pendency of the trial.

7. 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.

8. It is clarified that if while on bail so granted through the instant order, the petitioner is found indulging in any other criminal case/activity, it shall be open to the State to seek cancellation of his bail.

9. Nothing discussed hereinabove shall be construed as an expression of opinion on the merits of the case.

MARCH 17, 2026.
Rajender

(H.S. GREWAL)
JUDGE

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