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

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Date of Decision: 04.05.2026

Gurnam Singh @ Gama

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present: Mr. Nikhil Thamman, Advocate and
Mr. Manuwant Singh Chabba, 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.188 dated 27.11.2025 registered under Sections 21, 27(a) and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985, at Police Station Chattiwind, District Amritsar Rural.
2. Brief facts of the present case are that on 27.11.2025, ASI Jatinderpal Singh, along with his fellow police officials was on patrolling duty and on the basis of secret information, apprehended the petitioner along with co-accused, namely, Vijaypal Singh @ Vijay and Avtar Singh @ Waddu, who were found in conscious possession of 5.15 grams of heroin along with cash amount of Rs.1,000/-. Hence, the present FIR.

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3. Learned 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. He further submitted that mandatory provisions of the 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 from the petitioner and nothing more is to be recovered from him. He further argued that alleged recovery of contraband falls under the non-commercial quantity. Further, co-accused Vijay Pal Singh @ Vijay, who was apprehended at the spot with the petitioner, has already been granted the concession of regular bail by this Court, vide order dated 27.03.2026. The petitioner is in custody since 27.11.2025. The investigation in the present case is still going on. He 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. 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 the alleged contraband. She has further submitted that the petitioner is involved in two more cases meaning thereby he is a habitual offender.

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



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for the last more than 05 months; investigation is still going on; the complicity of the petitioner is a matter of trial and the same 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 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*".

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

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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.

04.05.2026*D.Bansal*

(RUPINDERJIT CHAHAL)
JUDGE

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