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

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**CRM-M-11468-2026 (O&M)
Decided on: 12.05.2026**

DALIP KUMAR

.....Petitioner

Versus

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE SUBHAS MEHLA

Present: Mr. Sarju Puri, Senior Advocate with
Ms. Kudrat Sareen, Advocate
for the petitioner.

SUBHAS MEHLA, J. (Oral)

1. This is the second petition which has been filed under Section 483 BNSS, 2023 seeking grant of regular bail to the petitioner in case bearing FIR No.81 dated 05.12.2023 under Sections 22 and 29 of NDPS Act, 1985, registered at Police Station City Banga, District SBS Nagar.

2. Allegations against the present petitioner are that on 05.12.2023 the present petitioner was apprehended with conscious possession of 270 loose intoxicating tablets of Etizolam.

3. Learned counsel for the petitioner contended that the petitioner has been falsely implicated in this case; the co-accused namely, Sukhwinder Singh @ Binda and Ankit Agrawal have already been granted concession of regular bail, vide orders dated 01.07.2024 and



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19.07.2024, passed by a Coordinate Bench Court in CRM-M-10951-2024 and CRM-M-14012-2024, respectively; for the last one year, several adjournments have been given in order to examine 02 witnesses and the said witnesses are still yet to be examined and prosecution has not concluded its evidence till date; the petitioner is having clean & clear antecedents and is not involved in any other case; the petitioner has been in custody for the last 02 years, 05 months & 01 day; trial is likely to take long time, as such, no fruitful purpose would be served by keeping the petitioner behind the bars.

4. Notice of motion.

5. On advance notice, Mr. Subhash Godara, Addl. A.G., Punjab, who is present in the Court, accepted notice on behalf of respondent-State and by way of filing of custody certificate dated 11.05.2026, opposed the concession of regular bail to the petitioner while submitting that the present petitioner was apprehended with 270 tablets of Etizolam and as per FSL report, the total weight of the recovered contraband was found to be 32.13 grams which falls under the commercial quantity; the trial is at fag end as only two witnesses remained to be examined. However, learned counsel fairly admitted that the petitioner has been in custody for the last 02 years, 05 months & 01 day; the petitioner is not involved in any other FIR.

6. Heard.

7. Taking into consideration the facts & circumstances of the present case, the rival contentions of the parties & without commenting



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upon the merits of the present case, this Court finds merit in the present petition on the following aspects:

- (I) the petitioner has been in custody for the last 02 years, 05 months & 01 day;
- (II) several adjournments have been sought by the prosecution during the last one year, for examination of the witnesses and the prosecution has not been able to conclude its evidence;
- (III) the petitioner is having clean & clear antecedents and is not involved in any other case;
- (V) Trial is likely take sufficient time to conclude and as such, no fruitful purpose would be served by keeping him in custody for indefinite period.
- (VI) delayed trial is violation of fundamental right to life and personal liberty as enshrined under Article 21 of the Constitution of India;

8. Concession of bail cannot be denied just as a measure of punishment as culpability is to be decided by trial Court after appreciating evidence adduced by the parties, and it is a trite principle of criminal jurisprudence that bail is rule, jail is an exception, this Court deems it a fit case to grant the concession of regular bail to the petitioner.

9. Therefore, without expressing any opinion on the merits of the case, the present petition is **allowed**. The petitioner is directed to be released on regular bail on his furnishing requisite bonds to the



satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate concerned.

(SUBHAS MEHLA)
JUDGE

12.05.2026
Sonia Puri

Whether Speaking/Reasoned: YES/NO
Whether Reportable: YES/NO