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CRM-M-12443-2026

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2026.PHHC.046054



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

CRM-M-12443-2026

Date of decision: 25.03.2026

HARMANPREET SINGH @ HARMAN

....Petitioner

Versus

STATE OF PUNJAB

....Respondent

CORAM:- HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present:- Mr. Yashpal Thakur, Advocate for the petitioner.

Mr. Amritpal Singh Gill, DAG 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.98 dated 09.09.2024 registered under Sections 310(4), 310(5), 61(2) of the Bharatiya Nyaya Sanhita, 2023 (Section 111 BNS added later on) and Sections 25, 25(6), 25(7), 25(8), 25(1B) of the Arms Act and Sections 22(c), 25, 29 of the NDPS Act at Police Station City Nakodar, District Jalandhar.

2. Brief facts of the present case, as per the prosecution, are that on 09.09.2024, Inspector Sanjeev Kapoor and other police officials acting upon a secret information apprehended the petitioner and the other co-accused persons who were roaming in a car. Upon search of the car, deadly weapons, live cartridges and 1000 tablets of Etizolam were recovered. Hence, the present FIR.



3. Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. He submits that the alleged recovery of 1000 tablets of Etizolam is not from the conscious possession of the petitioner. He further submits that no further recovery is to be effected from him. The petitioner has clean antecedents as he is not involved in any other case. The petitioner is in custody since 13.09.2025. He submits that similarly placed co-accused persons have been granted concession of regular bail by Co-ordinate Bench of this Court vide orders dated 17.02.2026 and 25.02.2026 passed in CRM-M-34239-2025 & CRM-M-8536-2025 respectively. The investigation in the case is complete; challan stands presented, charges have been framed, out of 17 prosecution witnesses only 07 have been examined. He further submits that 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 has filed the status report and custody certificate of the petitioner, which is taken on record. He has vehemently opposed the prayer for grant of bail by submitting that the offence committed by the petitioner is serious in nature as the petitioner has actively participated in the crime and the recovered contraband falls under commercial quantity. However, he has not controverted the fact that the petitioner is a first time offender and 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 the last 01 year, 06 months; the investigation in the case is complete; challan stands presented, charges have been framed, out of 17 prosecution witnesses only 07 have been examined, the conscious possession of alleged recovery of Etizolam is debatable as the same was allegedly lying below the driver seat and the fact that trial may take a long time to conclude, 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 her 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. Moreover, prolonged detention of the petitioner, without any likelihood of the trial being concluded in the near future, would amount to a violation of their fundamental rights guaranteed under Article 21 of the Constitution of India. The Hon'ble Supreme Court, in ***Mohd. Muslim @ Hussain v. State (NCT of Delhi), 2023 AIR SC 1648***, while dealing with an NDPS case, held that the principles of fairness embodied under Article 21



override the statutory restrictions on grant of bail under Section 37 of the NDPS Act. Speaking through Justice S. Ravindra Bhat, the Court observed:

"20. The standard to be considered therefore, is one, where the court would look at the material in a broad manner, and reasonably see whether the accused's guilt may be proved. The judgments of this court have, therefore, emphasized that the satisfaction which courts are expected to record, i.e., that the accused may not be guilty, is only prima facie, based on a reasonable reading, which does not call for meticulous examination of the materials collected during investigation (as held in Union of India v. Rattan Malik). Grant of bail on ground of undue delay in trial, cannot be said to be fettered by Section 37 of the Act, given the imperative of Section 436A which is applicable to offences under the NDPS Act too (ref. Satender Kumar Antil supra). Having regard to these factors the court is of the opinion that in the facts of this case, the appellant deserves to be enlarged on bail.

21. Before parting, it would be important to reflect that laws which impose stringent conditions for grant of bail, may be necessary in public interest; yet, if trials are not concluded in time, the injustice wrecked on the individual is immeasurable . Jails are overcrowded and their living conditions, more often than not, appalling."

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.

25.03.2026
puneet

(RUPINDERJIT CHAHAL)
JUDGE

i)	Whether speaking/reasoned?	Yes/No
ii)	Whether reportable?	Yes/No