



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

Sr.No.222

**CRM-M-14696-2026
Decided on : 04.05.2026**

Ashok Kumar @ Kashi

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present : Mr. Munish Puri, 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.0038 dated 09.02.2026, registered under Section 21 of the Narcotic Drugs and Psychotropic Substances Act, 1985 and Section 111 of BNS, at Police Station Sujanpur, District Pathankot.
2. Brief facts of the present case are that as per the prosecution, on 09.02.2026, ASI Pawan Kumar along with his fellow police officials was on patrolling duty and on suspicion, apprehended the petitioner, who was found in conscious possession of 05 grams 67 miligrams of heroin. Hence, the present FIR.
3. Learned counsel for the petitioner contends that the petitioner is

innocent and has been falsely implicated in the present case. He further



contends that the allegations levelled against the petitioner are false and he has no concern with the said offence. Learned counsel contends that the petitioner has been involved in the case only because of his previous history and is made as a scapegoat and the main accused has been shielded. He further contends that there is no allegation of trafficking of drugs, therefore, no offence under Section 111 of BNS, 2023 is made out against the petitioner. Learned counsel contends that the mandatory provisions of the NDPS Act were not complied with at the time of alleged search and seizure. He further contends that recovery of alleged contraband has already been effected from the petitioner and nothing more is to be recovered from him. The investigation in the case is complete, challan stands presented and charges are yet to be framed. He further submits that the trial will take a long time to conclude and no useful purpose would be served by keeping the petitioner 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. He has vehemently opposed the prayer for grant of bail by submitting that the offence committed by the petitioner is serious in nature and he was apprehended at the spot with the recovery of alleged contraband. He further submits that the petitioner is also involved in multiple other 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 for the last more than 02 months and 20 days; investigation is complete;



challan stands presented, charges are yet to be framed, 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. As regards the submission of learned State counsel that petitioner is involved in other/another 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 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
mamta

(RUPINDERJIT CHAHAL)
JUDGE

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