



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr.No.247

CRM-M-18396-2026
Decided on : 29.04.2026

Prakash

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM : HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present : Mr. Rahul Deswal, Advocate
for the petitioner.

Ms. Shaveta Sanghi, DAG, Haryana

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.15 dated 17.01.2026, registered under Sections 20(b)(ii)(B) of the Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station Sector 14, District Gurugram.
2. Brief facts as per the prosecution are that on 17.01.2026, ASI Sombir along with his fellow police officials was on patrolling duty and on the basis of secret information, they apprehended the petitioner, who was found in conscious possession of 206 grams of *charas*. 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 mandatory provisions of the NDPS Act were not complied with at the time of alleged search and seizure. It has also been submitted that the co-accused Beeru Kumar has already been granted the concession of anticipatory bail by this Court vide order dated 27.03.2026, passed in CRM-M-11770-2026 (Annexure P-3). He further submits that the alleged recovery has already effected from the petitioner. He is in custody since 17.01.2026 and has clean antecedents. The investigation in this case is complete; challan stands presented and the charges are yet to be framed. He further submits that 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. Learned State counsel has filed the custody certificate which is taken on record. The status report has already been filed. He has vehemently opposed the prayer for grant of bail by submitting that the offence committed by the petitioner is serious in nature. However, she has not controverted the fact that the the petitioner is first time offender as he is not involved in any other case.

5. 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 03 months and 12 days; he has clean antecedents; the co-accused has already been granted the concession of anticipatory bail by this Court; the investigation in this case 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 the



petitioner 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.

6. 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*”.

7. 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.

29.04.2026
mamta

(RUPINDERJIT CHAHAL)
JUDGE

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