



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

Sr.No.247

**CRM-M-18722-2026
Decided on : 07.05.2026**

Gurdev Singh @ Munchi

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present : Mr. Fateh Singh Bhullar, Advocate
for the petitioner.

Mr. Rahul Jindal, 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.0001 dated 04.01.2026, registered under Sections 21-B/27-A/61/85 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (Section 29 of the NDPS, Act added lateron), at Police Station Khem Karan, District Tarn Taran.

2. Brief facts as per the prosecution case are that on 04.01.2026, ASI Gulzar Singh alongwith his fellow police officials was on patrolling duty and on suspicion, apprehended co-accused Harpal Singh @ Bhala, who was found in conscious possession of 6 grams 03 milligrams of heroin and Rs.1100/- as drug money. Initially the FIR was registered against the said co-accused.

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 neither the petitioner was present at the spot nor initially was



named in the FIR, therefore, he has no concern with the said offence. It has also been contended that the petitioner was nominated as an accused later on only on the basis of secret information. Learned counsel contends that there is no direct evidence to connect the petitioner with the said offence. He has submitted that the co-accused Harpal Singh @ Bhala, Ravi Kumar @ Ravi and Anwar have already been granted the concession of regular bail by the learned Judge, Special Court, Tarn Taran as well as by this Court vide orders dated 06.02.2026, 13.02.2026 and 25.03.2026 (Annexures P-4 to P-6 respectively). No recovery is to be effected from the petitioner. The petitioner is in custody since 22.01.2026. The investigation in this case is still going on. 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. Learned State counsel has filed the custody certificate of the petitioner, which is taken on record. He while referring upon the status report which has already been filed, has vehemently opposed the prayer for grant of bail by submitting that the offence committed by the petitioner is serious in nature. He has further submitted that the petitioner is also involved in multiple other case of similar nature meaning thereby he is a habitual offender.

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 13 days; the co-accused have already been granted the concession of regular bail by the learned Judge, Special Court, Tarn Taran as well as by this Court; the investigation in this case is still going on 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 in this regard is placed upon a decision of Hon'ble Supreme Court 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. 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 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."

8. 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.

07.05.2026
mamta

(RUPINDERJIT CHAHAL)
JUDGE

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