



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

CRM-M-20229-2026

Date of decision: 22.05.2026

GAGANDEEP SINGH

....Petitioner

Versus

STATE OF PUNJAB

....Respondent

CORAM:- HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present:- Mr. Hakam Singh, 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.108 dated 27.06.2025 registered under Sections 21-C, 25, 29, 61, 85 of the Narcotic Drugs and Psychotropic Substances Act, 1985 and Sections 25, 54, 59 of the Arms Act at Police Station Dugri, District Ludhiana.

2. Brief facts of the present case, as per the prosecution are that on 27.06.2025, police party was on a patrolling duty and acting upon a secret information apprehended co-accused persons namely Gourav Singh, Sahil Malik and Nikhil Sharma who were found in conscious possession of 268 grams of *Heroin*; one small electronic weighing machine; 15 empty pouches; three pistols .32 bore; one pistol .45 bore; six live cartridges of .32 bore and three live cartridges of .45 bore. Initially, the FIR in question was registered against the said co-accused persons. During further investigation, co-accused



Sumit Kumar and Sanjana were nominated on the disclosure statement of the aforesaid co-accused persons. Accordingly, after the arrest of co-accused Sanjana, and during her interrogation, one car registered in the name of the present petitioner was recovered, from which 60 grams of heroin was recovered.

3. Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case and he has no concern with the said offence. He further contends that although the car is registered in the name of the petitioner but the same was being used by his wife. He further submits that the petitioner has only been nominated only because the car from which the recovery has been effected was owned by the petitioner. He further submits that the petitioner was abroad since 27.06.2024 and has no role whatsoever in the alleged offence. He further submits that wife of the petitioner namely Sanjana has already been granted concession of regular bail by Co-ordinate Bench vide order dated 24.09.2025 passed in *CRM-M-42069-2025*. Moreover, the petitioner has clean antecedents. The petitioner is in custody since 16.03.2026. The investigation in the case is complete, challan stands presented, charges have been framed, out of 08 prosecution witnesses none has been examined. He further submits that the trial will take a long time to conclude and no useful purpose would be served by keeping him behind the bars. It is urged that the petition deserves to be allowed.

4. Learned State counsel has filed the custody certificate and status report which are taken on record. She has vehemently opposed the

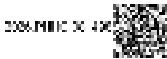


petitioner is serious in nature as the vehicle used by wife of the petitioner is registered in the name of the petitioner from which 60 grams of Heroin has been recovered. However, she has not controverted the fact that the petitioner is a first time offender and is not involved in any other case.

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 02 months; co-accused has already been granted concession of regular bail by Co-ordinate Bench of this Court investigation in the case is complete; challan stands presented; charges have been framed; out of 08 prosecution witnesses none has been examined and the fact that trial will take a long time to conclude no useful purpose would be served by detaining him in further custody. Keeping the petitioner in further 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 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*".

7. 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.

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.

22.05.2026
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(RUPINDERJIT CHAHAL)
JUDGE

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