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

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CRM-M-19765-2026 (O&M)
Date of decision: 20.04.2026

Sehajpreet Singh Kang**...Petitioner**

Versus

State of Punjab**...Respondent****CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present:- Mr. Vikram Satpal Anand, Advocate
for the petitioner.

Mr. Roshandeep Singh, AAG, Punjab.

MANISHA BATRA, J. (Oral)

1. Prayer in this petition, filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, is for grant of regular bail to the petitioner in FIR No. 330 dated 09.10.2025, registered under Sections 21 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (*for short 'NDPS Act'*) and Section 25 of the Arms Act, 1959 at Police Station Kharar, District SAS Nagar.

2. As per the allegations, on 09.10.2025, while performing patrolling duty, the concerned Police party found 02 vehicles moving in suspicious condition and going towards the societies. When those vehicles were followed by the Police officials, they entered into GK Crystal Homes Society. Within the sight of the Police officials, 04 youths came out of the same, one of whom was the petitioner. They were having 02 polythene bags with them and then went inside Flat No.39B, first floor of the society. They

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were apprehended. On checking the polythene bags, 01 digital scale, 99 grams of heroin, one .30 bore pistol alongwith 01 magazine, one another magazine of .30 bore, 10 live cartridges and drug money to the tune of Rs.1,52,800/- were recovered. The occupants failed to produce any licence or permit for keeping the same. The recovered articles were taken into possession. On inquiry, they disclosed their names as Chanchalpal Singh, Sehajpreet Singh (petitioner herein), Baljinder Singh and Gurbir Singh @ Gora. They were formally arrested. Investigation now stands concluded.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. A false recovery has been planted upon him and co-accused. He is in custody since 09.10.2025. The trial will take considerable time to conclude. He is not required for further investigation since challan has been presented. No useful purpose would be served by detaining him in custody anymore. The rigors of Section 37 of the NDPS Act are not attracted in this case since the recovery of contraband allegedly effected was of non-commercial quantity. Co-accused Gurbir Singh @ Gora and Chanchalpal Singh have already been extended benefit of bail. On parity, the petitioner too deserves to be extended the same benefit. His involvement in other cases cannot be made a ground for denying him the benefit of bail in the given circumstances. It is, therefore, argued that the petition deserves to be allowed.

4. Custody certificate has been filed by respondent-State. Learned State counsel has argued that keeping in view the gravity of the allegations as levelled against the petitioner as well as his criminal antecedents, he is not entitled to be given the benefit of bail. There are chances of his absconding

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or committing similar offences, if extended benefit of bail. Therefore, it is stressed that the petition is liable to be dismissed.

5. This Court has heard the rival submissions made by learned counsel for the parties at considerable length.

6. The petitioner along with the co-accused is alleged to have been found in conscious possession of 99 grams of heroin with arms and ammunitions. Recovery of a sum of Rs.1,52,800/- is also alleged to have been effected from the petitioner and the co-accused. It is a question of debate as to whether money recovered can be said to be drug money or not? The recovered contraband is of non-commercial quantity. The trial will take considerable time to conclude since no prosecution witness has been examined so far. Co-accused have already been granted concession of regular bail by this Court, as mentioned above. Pendency of other cases against the petitioner cannot be made a ground to deny him bail in this case in the given circumstances. The well settled proposition of law is that bail is the rule and jail is an exception. Pre-trial incarceration should not be replica of post-conviction sentencing. The object of the jail is to secure appearance of the accused during trial, and it cannot be preventive or punitive. Taking into consideration the facts as discussed above and on parity, this Court is of the considered opinion that continued detention of the petitioner is not going to serve any fruitful purpose. Accordingly, the petition is allowed, and the petitioner is ordered to be released on bail subject to his furnishing personal as well as surety bonds to the satisfaction of learned trial Court/CJM/Duty Magistrate concerned.

7. In the eventuality of breach of any of the aforementioned

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conditions, the respondent-State shall be at liberty to move an application seeking cancellation of the bail.

8. It is, however, clarified that the observations made above shall not be construed as an expression of opinion of this Court on the merits of the case and shall not influence the outcome of the trial in any manner.

9. Since the main petition has been allowed, pending application, if any, is rendered infructuous.

20.04.2026

Wasim Javed

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No