



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

Sr.No.233

**CRM-M-22786-2026
Decided on : 11.05.2026**

Harpal Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present : Mr. Atinderpal Singh, Advocate for the petitioner.
Mr. Rahul Jindal, AAG, Punjab.

RUPINDERJIT CHAHAL, J (ORAL)

1. Prayer in the instant petition filed under Section 483 of BNSS, 2023 is for grant of regular bail to the petitioner in case FIR No.219 dated 31.10.2025, registered under Section 21-B/27-A/61/85 of the Narcotic Drugs & Psychotropic Substances Act, at Police Station Chheharta, District Amritsar (Annexure P-1).

2. Brief facts of the present case are that as per the prosecution, on 31.10.2025, SI Jagga Singh alongwith his fellow police officials was on patrolling and on the basis of suspicion apprehended the petitioner alongwith other co-accused persons. On search, the petitioner and other co-accused were found in conscious possession of 103 grams of Heroin and Rs.4,000/- as drug money. Hence, the present FIR.

3. Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case and he is completely innocent. 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 mandatory provisions of the NDPS Act were not



complied with at the time of alleged search and seizure. He further contends that the recovery of alleged contraband has already been effected from the petitioner; the recovered quantity is non-commercial in nature and nothing more is to be recovered from him. Learned counsel submits that the similarly situated co-accused Manjit Singh has already been granted the concession of regular bail by this Court vide order dated 09.04.2026, passed in CRM-M-11869-2026 (Annexure P-3). The petitioner is in custody since 03.11.2025 and he has clean antecedents as he is not involved in any other case. 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. Learned State counsel has filed the custody certificate as well as status report which are 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 alleged contraband, which falls under intermediate quantity. However, he has not controverted the fact that the petitioner is the 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 06 months and 06 days; the co-accused has already been granted the concession of regular bail by this Court; recovered contraband falls under intermediate quantity; 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 in this regard is placed upon a judgment 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 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.

11.05.2026
mamta

(RUPINDERJIT CHAHAL)
JUDGE

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