



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH
223

CRM-M-23424-2025
Decided on : 21.01.2026

Bhinder Singh . . . Petitioner(s)
Versus
State of Punjab . . . Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. Gurlal Singh Sandhu, Advocate
for the petitioner(s).

Mr. Jasdeep Singh, Addl. AG, Punjab.

SANJAY VASHISTH, J. (Oral)

1. The instant petition has been filed under Section 483 of BNSS, 2023 (earlier Section 439 Cr.P.C.), for grant of regular bail to the petitioner, during the pendency of trial, who has been booked in a criminal case arising out of First Information Report, as detailed here-under:-

Name of Petitioner(s)	FIR No.	Date	Section(s)	Police Station	District
Bhinder Singh	129	24.07.2023	22 of NDPS Act, 1985 [S. 27 & 29 of NDPS Act added later on]	Bhikhi	Mansa

2. As per the case of the prosecution, there is recovery of 900 intoxicant tablets from the possession of the petitioner – Bhinder Singh, containing Tramadol Hydrochloride salt weighing 340 grams. On the subsequent disclosure statement of the petitioner, another accused, namely, Chhoti Kaur, was also involved in the case and recovery of 200 tablets of Tramadol were effected from her house.

3. Learned counsel for the petitioner contends that about 90 grams



of salt of Tramadol Hydrochloride is found to be more than the threshold of 250 grams as per the NDPS Act, in the present case. Further submits that petitioner is a young man of the age of 28 years and except the present case, he has never been found indulged in any other similar activity, except some cases under the Excise Act. For the first time, he is facing proceedings under the NDPS Act, and thus, embargo of Section 37 of the NDPS Act should not be applied in the strict sense against him.

Moreover, petitioner has already remained inside jail for a period of more than 02 years and 05 months, whereas, till date, only 01 prosecution witness has been examined out of total cited 14 prosecution witnesses. Therefore, pending conclusion of the trial and adjudication of charges, petitioner cannot be subjected to prolonged pre-trial detention.

Attention is also drawn to the fact that co-accused 'Chhoti Kaur', who is almost on similar footings, has already been granted the concession of regular bail by this Court vide order dated 27.08.2025 passed in CRM-M-26349-2025 (O&M), titled as "*Chhoti Kaur v. State of Punjab*". Accordingly, on the ground of parity also, prayer has been made for grant of regular bail to the petitioner.

4. On the other hand, learned State counsel has filed the custody certificate dated 19.01.2026, in Court today, which is taken on record, subject to all just exceptions. Office to tag the same at appropriate place. A copy thereof has been handed over to the counsel for the petitioner.

5. Learned State counsel vehemently opposed the prayer of bail. However, he is unable to refute the factual aspects of the case, which have been recorded here-above. Further, learned State counsel submits that a



substantial recovery has been effected from the petitioner, containing salt of 340 grams of Tramadol Hydrochloride, which falls under the 'commercial' category. Thus, keeping in view the nature of offence and the substantial recovery of narcotic contraband, petitioner is not entitled to the concession of regular bail without first establishing his innocence.

However, he fairly conceded that except the present case, petitioner is not found indulged in any other similar activity under the NDPS Act. He is inside jail for 02 years, 05 months and 15 days, and till date, only 01 prosecution witness has been examined so far, out of the total 14 prosecution witnesses.

Besides, it has also been brought to the knowledge of this Court that earlier, petitioner had filed one petition, i.e., CRM-M-7607-2024, titled as, "*Bhinder Singh v. State of Punjab*", however, same was dismissed for want of prosecution vide order dated 07.02.2025, by noticing the regular absence of the then representing counsel for the petitioner.

6. Heard learned counsel for the parties and perused the instant petition. Petitioner is a young individual, aged about 28 years, with clean antecedents and no history of involvement in any other offence punishable under the NDPS Act. In these circumstances, his plea for bail deserves serious consideration.

It is also noticed that the petitioner has already undergone incarceration for a period of more than 02 years, 05 months and 15. Out of total of 14 prosecution witnesses, only 01 witnesses has been examined so far, and therefore, due to slow pace of the trial, its conclusion shall take considerable time. Prolonged pre-trial detention, without the trial reaching



its culmination, would seriously prejudice the petitioner's liberty as well as his prospects of rehabilitation. Though the nature of the offence and the recovery being of commercial quantity will require thorough scrutiny during trial, yet keeping in view the petitioner's age, antecedents, and the fact that the trial is still at a very early stage, his continued detention does not appear to be warranted.

7. In view of the totality of these circumstances, and the nature allegations leveled against the petitioner, including the factors noticed here-above, this Court deems it appropriate to grant the concession of bail to the petitioner, so as to afford the petitioner an opportunity to reform and reintegrate himself in the society.

Consequently, prayer made in the present petition is **allowed**. Petitioner is ordered to be released on bail, subject to his furnishing bail/surety bonds to the satisfaction of the learned trial Court/ Chief Judicial Magistrate/ Illaqa Magistrate/ Duty Magistrate concerned, if not required in any other case.

8. Needless to observe that the petitioner shall not extend any threat and shall not influence any prosecution witness in any manner directly or indirectly.

9. The observation made here-in-above shall not be construed as an expression of opinion on the facts of the case and the Trial Court is expected to decide the case on the basis of complete evidence available on record.

10. It is further made clear that if, in future, petitioner is directly found indulged in similar kind of activities, this order shall be deemed to be



cancelled.

11. Petition stands **disposed of**.

Misc. application(s), if any, also stand disposed of.

(SANJAY VASHISTH)
JUDGE

January 21, 2026
J.Ram

Whether speaking/reasoned: *Yes/No*
Whether Reportable: *Yes/No*