



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

CRM-M-23423-2026

Date of decision: 14.05.2026

GURCHARAN SINGH @ CHARNA

....Petitioner

Versus

STATE OF HARYANA

....Respondent

CORAM:- HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present:- Mr. Manvinder Sidhu, Advocate for the petitioner.

Mr. Armaan Dahiya, AAG Haryana.

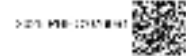
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RUPINDERJIT CHAHAL, J. (ORAL)

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.104 dated 01.04.2024 registered under Sections 22(c), 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station Kalanwali, Police District Dabwali, District Sirsa.

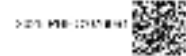
2. Brief facts of the present case as per the prosecution are that on 01.04.2024, police party acting upon a secret information raided at the house of one Charanjeet Singh @ Charna. During raid of the house, one Simranjeet Kaur was present and total 1785 intoxicant tablets were recovered from the house. Initially, the FIR in question was registered against the said co-accused persons.

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 argued that the petitioner was neither present at the spot nor was named in the FIR. It has also been contended that the petitioner was not



only role attributed to the petitioner is that he in collusion with co-accused namely Karamjit Kaur purchased the recovered contraband in order to falsely implicate Simranjit Kaur, however, there is no quality evidence to connect the petitioner with the said allegations. He contends that the real facts are that the petitioner has been falsely implicated in the present FIR at the instance of co-accused Karamjit Kaur because he had demanded Rs.3 lakhs he had given to her sister. No recovery is to be effected from him. The petitioner is in custody since 27.06.2024. He further contends that co-accused namely Sewa Singh has already been granted concession of bail by Co-ordinate Bench of this Court vide order dated 28.08.2025 in *CRM-M-12945-2025*. The investigation in the case is complete; challan stands presented; however, charges are yet to be framed, as such trial will take a long time to conclude and no useful purpose would be served by keeping him behind bars. Therefore, it is urged that the petition deserves to be allowed.

4. Learned State counsel has filed the status report and custody certificate of the petitioner, which is 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. He submits that the recovered contraband which falls under commercial quantity was actually purchased by one Karamjit Kaur and she has categorically stated in his disclosure statement that she had planted the contraband in the house of the petitioner to falsely implicate wife of the petitioner i.e. Simranjit Kaur. During investigation it has been found that the petitioner was having an affair with co-accused Karamjit Kaur. He has further submitted that the petitioner is involved in multiple other cases meaning thereby he is a habitual offender.



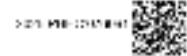
5. Having heard learned counsel for the parties at length and after perusing the record of the case, it is evident that the petitioner is in custody since 27.06.2024; investigation is complete; challan stands filed; however, charges are yet to be framed; co-accused has already been granted concession of bail by Co-ordinate Bench and the fact that trial may take a long time to conclude, no useful purpose would be served by detaining him 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 is placed upon in ***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. The foundational concept of the criminal jurisprudence is to ensure speedy trial. The Hon'ble Supreme Court has repeatedly reiterated that right to speedy trial is enshrined in Article 21 of the Constitution of India. Speedy trial would cover investigation, enquiry, trial, appeal, revision and retrial etc. i.e. everything starting with the accusation against the accused and expiring with the final verdict of the last Court.

8. In this regard, reference is being made to the law laid down by the Hon'ble Supreme Court in the context of right to speedy trial under Article 21 of the Constitution of India on the following decision:- ***Akhtari Bi Vs. State of M.P., (2001) 4 SCC 355, Surinder Singh Alias Shingara Singh Vs.***

State of Punjab, (2005) SCC (CrI) 1674, P. Ramachandra Rao Vs. State of



Karnataka, (2002) 4 SCC 578, Babu Singh and others Vs. State of U.P., (1978) 1 SCC 579, Takht Singh and others Vs. State of M.P., (2001) 10 SCC 463; Special Leave to Appeal (Crl) No.2356 of 2010, Kushal Singh Vs. State of U.P. (2JJ.) and Fazal Vs. State of Uttar Pradesh, (2012) 5 SCC 752.

9. 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."

10. 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.

14.05.2026

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(RUPINDERJIT CHAHAL)
JUDGE