



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

Sr.No.244

**CRM-M-23094-2026
Decided on : 26.05.2026**

Rakesh Kumar @ Babbu

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present : Mr. Davinder Singh Saini, Advocate
for the petitioner.

Mr. Amritpal Singh Gill, DAG, Punjab
for the respondent(s)-State.

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.27, dated 28.02.2025, registered under Sections 22, 22(b), 27, 29, 61, 85 of the Narcotic Drugs and Psychotropic Substances Act, 1985 and Sections 111(1), 111(2) of BNS, 2023, at Police Station Sadar Rupnagar, District Rupnagar.

2. Brief facts of the present case as per the prosecution are that on 28.02.2025, ASI Samarjit Singh alongwith his fellow police officials was on patrolling and on the basis of suspicion, apprehended the petitioner and co-accused Amit Verma, who were found in conscious possession of 53 grams of intoxicant powder. Hence, the present FIR.



3. Learned counsel for the petitioner contends that the petitioner is innocent and has been falsely implicated in the present case. 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 contends that there is no direct evidence to connect the petitioner with the said offence. Learned counsel contends that the recovery of alleged contraband has already been effected from the petitioner as well as co-accused Amit Verma, which falls under the non-commercial quantity and nothing more is to be recovered from him. The petitioner is in custody for about one year. The investigation in this case is complete; challan stands presented; charges have been framed and out of 20 prosecution witnesses, only 03 have been examined till date. He further submits that 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 status report as well as custody certificate 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. He has further submitted that the petitioner is also involved in one more case of similar nature 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 for the last about one year; the investigation in this case is complete; challan stands presented; charges have been framed; out of 20 prosecution



witnesses, only 03 have been examined till date 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 the Hon'ble Supreme Court of India 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 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. 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."



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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.

26.05.2026
mamta

(RUPINDERJIT CHAHAL)
JUDGE

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