



**In the High Court for the States of Punjab and Haryana at
Chandigarh**

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CRM-M-23644-2026 (O&M)
Date of Decision:- 04.05.2026

Gurwinder Singh @ Gindi @ Gurvinder Singh ... Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE SUBHAS MEHLA

Present:- Mr. Raghav Soni, Advocate for the petitioner.

Mr. Sandeep Kumar, DAG, Punjab.

SUBHAS MEHLA, J. (Oral)

1. By way of the present petition, the petitioner is seeking regular bail in case bearing FIR No.198 dated 29.11.2025, registered under Sections 21-B, 27-A, 61, 85 of Narcotic Drugs and Psychotropic Substances Act, 1985 (Section 29 of NDPS Act added later on), at Police Station Division A, District Amritsar.

2. The allegations in a nutshell are that during the patrolling, the patrolling party apprehended the present petitioner on 29.11.2025 and from his possession 07 grams of heroin and Rs.300/- drug money were recovered.

3. Learned counsel prayed for concession of bail to the petitioner on the following grounds:

(i) That the petitioner has been falsely implicated in the present case.



(ii) Recovery of alleged contraband, i.e. 07 grams of Heroin falls under intermediate quantity.

(iii) Petitioner is in custody for the last 05 months and 02 days.

(iv) Petitioner has clean and clear antecedents.

(v) Trial of the case will take sufficient time to conclude.

4. Custody certificate dated 03.05.2026 of the petitioner has been filed by learned State counsel and the same is taken on record. As per custody certificate, the petitioner has been behind bars since 01.12.2025 i.e. for about 05 Months and 02 days and is not involved in any other case.

5. Learned State Counsel opposed the present petition on the following grounds:

(i) That the recovery of contraband, i.e. 07 grams of 'heroin' has been made from the present petitioner however, the same falls under intermediate quantity.

(ii) Drug money amounting to Rs.300/- has also been recovered.

6. Heard.

7. Keeping in view the submissions of learned counsel for the parties, facts and circumstances of the case, this Court finds merits in the present petition on the following grounds:

(i) Recovery of alleged contraband i.e. 07 grams of Heroin falls under intermediate quantity.

(ii) The petitioner has been behind bars since 01.12.2025 i.e. for the last more than 05 months.

- (iii) He is not involved in any other case except the present one.
- (iv) The trial is likely to take considerable time to conclude.
- (v) No fruitful purpose would be served by keeping him in custody for any further period.

8. As concession of bail cannot be denied just as a measure of punishment, and it is a trite principle of criminal jurisprudence that bail is a rule, jail is an exception, hence, this Court deems it a fit case to grant the concession of regular bail to the petitioner.

9. Therefore, without expressing any opinion on the merits of the case, the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing requisite bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate concerned.

04.05.2026

Geeta

(SUBHAS MEHLA)

JUDGE

Whether speaking /reasoned	Yes / No
Whether Reportable	Yes / No