



CRM-M-24527-2026

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

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CRM-M-24527-2026
Date of Decision: 26.05.2026

Rakesh Kumar

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present: Mr. Manoj R. Sharma, Advocate
for the petitioner.

Mr. Amritpal Singh, DAG, Punjab.

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.67 dated 30.05.2025 registered under Sections 21(b), 21(c), 27-A and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985, at Police Station Sadar Gurdaspur, District Gurdaspur.
2. Brief facts of the present case are that on 11.04.2025, SI Surjit Singh, along with his fellow police officials was on patrolling duty and on suspicion, apprehended the petitioner and one Manoj Kumar, wherein the petitioner was found in conscious possession of 30 grams of heroin. Hence, the present FIR.
3. Learned counsel for the petitioner has submitted that the petitioner has been falsely implicated in the present case and he has no

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concern with the said offence. He further submitted that mandatory provisions of the NDPS Act were not complied with at the time of alleged search and seizure. He argued that recovery of alleged contraband has already been effected from the petitioner as well as co-accused and nothing more is to be recovered from him. Moreover, the petitioner has clean antecedents as he is not involved in any other case. The petitioner is in custody since 30.05.2025. The investigation in the case is complete, challan stands presented and charges have also been framed. He further submitted that there are total 16 prosecution witnesses but none has been examined till date and as such, the 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. On the other hand, learned State counsel has filed the custody certificate of the petitioner and status report in the matter, which are taken on record and while referring to status report, he has vehemently opposed the prayer for grant of bail by submitting that the offence committed by the petitioner is serious in nature. He argued that the petitioner was apprehended at the spot with the alleged contraband. However, he has not controverted the fact that the petitioner is a 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 11 months; he has clean antecedents; investigation is complete; challan stands presented; charges framed; out of 16 witnesses, none has been examined till date; the complicity of the petitioner is a matter

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of trial, which is proceeding at snail's pace and the same will take a long time to conclude. Thus, no useful purpose would be served by detaining him in further custody. His continued detention without the prospect of 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 a judgment 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. 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
D.Bansal

(RUPINDERJIT CHAHAL)
JUDGE

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