



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

CRM-M-25308-2026
Date of decision: 11.05.2026

GURSEWAK SINGH @ BHANA & ANOTHER

...PETITIONERS

V/S

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE SUBHAS MEHLA

Present: Mr. Yajur Sharma, Advocate for the petitioners.

Mr. Subhash Godara, Addl. A.G. Punjab.

SUBHAS MEHLA, J. (ORAL)

1. By way of the present petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, the petitioner is seeking regular bail in case bearing FIR No.76 dated 22.03.2026 registered under Sections 21, 27-A and 29 of Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS') at Police Station Jandiala, District Amritsar Rural.

2. In the present case, Petitioner No.1-Gursewak Singh @ Bhana was apprehended while being in possession of 9 grams of heroin and Rs.1,200/- allegedly earned from drug sales. Petitioner No.2-Sunny @ Nano was apprehended with 2 grams of heroin, which he allegedly purchased from petitioner No.1.

3. Learned counsel for the petitioners prayed for grant of regular bail to the petitioners on the following grounds:

- i. The petitioners have been falsely involved in the present case.



- ii. Petitioners are young boys, aged about 22 years and 18 years respectively.
 - iii. The petitioners are not required for any investigation purpose and have already been remanded to judicial custody.
 - iv. If the petitioners will be kept in judicial custody for a longer period, they will come into contact with the known criminals, which will diminish their future prospect.
 - v. The contraband recovered from petitioner No.1 i.e. 9 grams of heroin and from petitioner No.2 i.e. 2 grams of heroin falls under the categories of intermediate and small quantities respectively.
 - vi. Petitioner No.2 was involved in the present case, on the basis of disclosure statement made by petitioner No.1.
 - vii. Petitioners are in custody since 23.03.2026 i.e. for the last 01 month and 18 days.
 - viii. Investigation has already been completed and final report under Section 193 of BNSS has already been filed.
 - ix. Trial will take sufficient time to conclude.
 - x. No fruitful purpose would be served by keeping the petitioners behind the bars for an indefinite period.
4. Learned State counsel opposed the prayer of the petitioners on the following grounds:

- i. Petitioner No.1 is a habitual offender and is involved in two more cases of similar nature.
- ii. There is apprehension that if the petitioners are released on bail, they can indulge in similar activities.



5. Heard.

6. Keeping in view the facts and circumstances of the present case and the following contentions of learned counsel for the parties that :

- i. The contraband recovered from petitioner No.1 i.e. 9 grams of heroin and from petitioner No.2 i.e. 2 grams of heroin falls under the categories of intermediate and small quantities respectively.
- ii. Investigation has already been completed and final report under Section 193 of BNSS has already been filed.
- iii. The petitioners are not required for any investigation purpose and have already been remanded to judicial custody.
- iv. Petitioners are in custody since 23.03.2026 i.e. for the last 01 month and 18 days.
- v. Petitioner No.2 was involved in the present case, on the basis of disclosure statement made by petitioner No.1.
- vi. Petitioner No.2 is having clean and clear antecedents and is not involved in any other case, except the present one.
- vii. Petitioners are young boys, aged about 22 years and 18 years respectively and if they will be kept in judicial custody for a longer period, they will come into contact with the known criminals, which will diminish their future prospect.
- viii. Trial will take sufficient time to conclude. No fruitful purpose would be served by keeping the petitioner in custody for any further period.



7. Concession of bail cannot be denied just as a measure of punishment as culpability of accused is to be decided after appreciating evidence adduced by both the parties. It is a trite principle of criminal jurisprudence that bail is rule, jail is an exception, this Court deems it a fit case to grant the concession of regular bail to the petitioners.

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

May 11, 2026
manisha

(SUBHAS MEHLA)
JUDGE

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|------|---------------------------|--------|
| (i) | Whether speaking/reasoned | Yes/No |
| (ii) | Whether reportable | Yes/No |