

228 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

2026-PHHC-090410



CRM-M-27968-2026 (O&M)
Date of Decision: 21.05.2026

MALKEET SINGH @ MALKET SINGH ... PETITIONER
VERSUS
STATE OF PUNJAB ... RESPONDENT

CORAM : HON'BLE MR. JUSTICE H.S.GREWAL

Present:- Mr. Rahul Aggarwal, Advocate for the petitioner

H.S. GREWAL, J. (ORAL)

1. The petitioner is seeking regular bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita (BNSS) (439 Cr.P.C.) in FIR No. 130 dated 23.05.2025 under Sections 21(C) and 29 of NDPS Act, 1985, registered at Police Station Sadar Fazilka, District Fazilka.

2. The case of the prosecution is that while on patrolling duty, the police party apprehended the petitioner along with co-accused Mohit, and 1 kg 25 grams of heroin was allegedly recovered from a bag being carried on the shoulders of co-accused Mohit.

3. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in the present case. Petitioner was only a pillion rider and no recovery has been effected from his conscious possession. He further submits that the petitioner is in custody for the last 11 months and 22 days and is not involved in any other case. He, thus, prays for grant of bail to the petitioner.

4. Notice of motion.

5. Mr. Rohit Hans, D.A.G., Punjab accepts notice on behalf of the State and vehemently opposes the prayer for grant of regular bail to the petitioner

on the ground of gravity of allegations. Learned State counsel has filed the custody certificate in Court, which is taken on record. He further submits that as per the custody certificate, the petitioner is in custody for the last 11 months and 22 days.

6. I have heard the learned counsel for the parties and perused the record.

7. After hearing the rival contentions of the learned counsel for the parties and keeping in view the facts and circumstances of the case that at this stage, it is yet to be determined whether the petitioner was in conscious possession of the contraband which was recovered from the co-accused; petitioner is in custody for the last 11 months and 22 days and he is not involved in any other case; the conclusion of the trial is likely to take a long time and continuous detention of the petitioner would not serve the ends of justice, this Court deems it fit to grant the concession of regular bail to the petitioner during the pendency of the trial. Moreover, '*bail is rule and jail is exception*'.

8. 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 bail bonds, surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate concerned.

9. It is clarified that while on bail so granted through the instant order the petitioner is found indulging in any other criminal case, it shall be open to the State to seek cancellation of his bail.

21.05.2026
Janki

(H.S.GREWAL)
JUDGE

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