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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-29240-2026
Decided on : 26.05.2026

Charles Masih @ Bitta

... Petitioner(s)

Versus

State of Punjab

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present : Mr. Ruhani Chadha, Advocate
for the petitioner(s).

Mr. Manjinder Singh Bhullar, DAG Punjab

SANJAY VASHISTH, J. (Oral)

1. The instant petition has been filed under Section 483 of BNSS, 2023 (earlier Section 439 Cr.P.C.), for grant of regular bail to the petitioner, during the pendency of trial, who has been booked in a criminal case arising out of First Information Report, as detailed hereunder:-

Name of Petitioner(s)	FIR No.	Date	Section(s)	Police Station	District
Charles Masih @ Bitta, aged 33 years	03	03.01.2025	18(b), 20, 21(C) of NDPS Act and Sections 42 and 52-A of the Prisons Act, 1894 (Sections 22-C, 28, 29 and 30 of NDPS Act added later on)	Goindwal Sahib	Tarn Taran

2. On the very outset, learned counsel for the petitioner refers to the common orders dated 23.03.2026 and 05.05.2026 (Annexures P-6 and P-7) passed by this Court in CRM-M-55922-2025 and other connected cases, whereby similarly situated co-accused, namely Angrej Singh @ Raja, Deepak Kumar @



Deepa @ Kochar @ Deepak Kumar Kochar, Ranjodh Singh @ Babblu, Ajay Singh, Chamkaur Singh @ Sunny @ Chamkor Singh, and Lovepreet Singh @ Love, Bharat Singh @ Bharat, Gurjant Singh @ Janta and Palwinder Singh @ Bhinder @ Arvinder Singh @ Choochi were granted the concession of regular bail, by this Court, and facts of the case were extracted from the status report dated 14.03.2026 (filed therein), which, for ready reference, reads as under:-

“A) Brief Facts of case:-

•That on 03.01.2025, between 12:30 PM to 01:40 PM, checking in Barrack No.5 of Ward No.6, was conducted on the basis of secret information, which led to recovery of 12 touch screen mobile phones, 1 keypad mobile phone and other prohibited/contraband items by breaking the flood of the pit made inside the barrack for inmates i.e. 2 VIVO mobile phones, without SIM, one Oppo Mobile phone having one Airtel Sim No.0923, ID A291000921 1291445550, one VIVO mobile phone having one Airtel Sim ID 899100921318695505 and one JIO Sim ID 8991867040036507254, two Redmi mobile phones without Sim, one Oppo mobile phone without SIM, one Realme mobile phone having one Airtel SIM ID 8991000921129118336 U, one Redmi mobile phone having one Airtel SIM 8991000922507132873 U, one MOTOROLA keypad mobile phone, three mobile chargers, 6 airpods, one data cable, 16 earphones, 9 yellow tapes and 2 white tapes wrapped packets of substance containing 5150 intoxicant tablets, one packet wrapped in white tape containing sulphate like narcotic substance, weighing 218 grams, two packets wrapped in yellow envelopes containing opium, weighing 102 grams including envelope, 12 yellow and 8 white wrapped packets containing substance like heroin, weighing 1255 grams including envelope and in this regard, the present case FIR No.03 dated 01.01.2025, under section 18(b)/20/21-C/22-C of the NDPS Act & 42/52-A of the Prison Act has been registered at Police Station Goindwal Sahib, District Tarn Taran against 1 unknown person. On dated 09.01.2025, SI Balwinder Singh nominated (i) Amolak Singh @Anmol (ii) Angrej Singh @ Raja (iii) Chamkaur Singh @Soni



(iv) Deepak Kumar @ Deepa @ Kochar and (v) Palwinder Singh Pinder as accused in the present FIR. Thereafter, the investigation of the present case was transferred from SSP Tarn Taran to the Anti-Narcotics Task Force (ANTF) vide Director, BOL, Punjab office order No. 106-111/Crime/Inv-5 dated 08.01.2025. Subsequently, vide order No. 1704-09/AC-5 dated 28.01.2025, the Special Director General of Police, Special Task Force, Punjab, transferred the investigation to ANTF, Border Range, Amritsar, and constituted a Special Investigation Team (SIT) in the present case. In pursuance thereof, the NOTANTF, Border Range, Amritsar received the case file on 22.04.2025, whereafter the investigation was taken over and conducted by the SIT.

B) Nomination of accused:-

That during the course of investigation on 09.01.2025, the Investigating Officer sought the list of the inmates of Barrack No.5 of Ward No.06 of Central Jail, Sri Goindwal Sahib and total 36 inmates were found to be lodged in Barrack No.5 and from the said 36 inmates, Several cases commercial cases under the provisions of NDPS Act have been registered against the accused Chamkaur Singh @ Sunny Ipetitioner in CRM-M-59927-20251, Amolak Singh alias Anmol, Angrej Singh alias Raja [petitioner in CRM-M-55922-2025), Deepak Kumar @ Deepa Ipetitioner in CRM-M-59687-2025] and Palwinder Singh alias Bhinder and on the basis of which aforesaid accused have been nominated in the present FIR and thereafter 31 other co-accused have been nominated in the present case vide DDR No.33 dated 04.07.2025, incorporated in Roznamcha at Police Station Goindwal Sahib, District Tarn Taran.

C) Apprehension:

- That during the course of investigation, the arrest of accused Chamkaur Singh Sunny [petitioner in CRM-M-59927-2025], Amolak Singh alias Anmol, Deepak Kumar @ Deepa [petitioner in CRM-M-59687-2025], Angrej Singh alias Raja petitioner in CRM-M-55922-2025] and Palwinder Singh alias Bhinder has been made in the present case on 11.01.2025 by investigating officer from P.S. Goindwal Sahib, Distt. Tarn Taran, after obtaining their production warrants from the learned Court of Illaqa Magistrate, Khadur Sahib, District Tarn Taran.



Thereafter the arrest of accused Ranjodh Singh @ Bablu [petitioner in CRM-M-63877-2025], Ajay S/o Harbans Singh [petitioner in CRM-M-67405-2025], Ajay S/o Ranjit Singh, Ajay s/o Mukhtar Singh, Bharat Singh S/o Makhan Singh has been made in the present case on 11.08.2025 by ANTE, Boder Range, Amita after obtaining their production warrants.

D) Search and Seizure:-

• That on 03.01.2025, during the checking of Barrack No.05 of Ward No.6 of the jail, the jail authority broke the pit made for the prisoners to rest in the barrack and 13 mobile charges, 06 Airpods, 1 data cable, 16 ear phones, 515 white colored Intoxicant Tablets, 218 grams of Sulfa like Intoxicant Powder, 98 grams of opium and 1170 grams of heroin were recovered from the pit made in the Barrack. The recovery effected in the present case is a joint recovery, as the aforesaid articles were recovered from a common concealed pit inside the barrack where multiple inmates, including the petitioners and other co-accused, were lodged together. No recovery has been effected from the conscious possession of any individual accused, and the recovery pertains to the common area accessible to all inmates lodged in the said barrack.

E) Verification of Recovered Mobile Phones:-

• That the recovered 13 mobile phones were sent to FSL to get the detailed record regarding aforesaid mobile phones vide letter no. 1875/Reader dated 12.11.2025. Subsequently, a reminder letter was also sent by the office of anti Narcotics Task Force, Border Range, Amritsar to State Cyber Crime, SAS Nagar regarding extraction of data from the aforesaid recovered 13 mobile phones vide letter no.2188/Reader dated 30.12.2025. However, the FSL report is still awaited.”

3. As a primary argument, it is submitted that a total of 36 jail inmates, all of whom were confined in Barrack No. 5 of the jail, have been made accused in the present case. One of them, namely Amolak Singh @ Anmol, has been granted the concession of regular bail, vide order dated 31.10.2025 passed in CRM-M-50011-2025, and up till that time, he had remained in custody for a period of about



8 months and 15 days.

4. Learned counsel for the petitioner submits that from co-accused Amolak Singh @ Anmol, nothing specific was recovered except for the allegations, according to which a huge quantity (5,150) of intoxicating tablets, 98 grams of opium, and 1,170 grams of heroin, along with a mobile phone, etc., were recovered. It is further submitted that no separate recovery has been effected from any of the petitioner.

5. Apart from this, it is also pointed out that, all the recovered articles are now in the possession of the Investigating Agency, and none of the petitioner is required for any specific purpose to join any further proceedings pertaining to the investigation. Moreover, as per the investigation brought on record till date, the petitioner/nominated accused allegedly used certain mobile numbers (8872384158) and made unauthorized calls to their respective family members within the jail premises. However, no material has surfaced during the investigation to show that the accused persons involved in the present case made any phone call to any person already involved in drug smuggling or to any external drug syndicate.

6. Investigation qua the petitioner herein, has already been completed, and the final report under Section 173(2) Cr.P.C. has also been submitted.

7. Upon being asked by the Court, learned State counsel submits that no narcotic contraband or any other incriminating material was recovered from the personal search of the petitioner.

The applicability of the rigours of Section 37 of the NDPS Act, as discussed in the bail order of co-accused Amolak Singh @ Anmol, shall also apply to the present petition for the purpose of considering the plea of bail of the



petitioner herein.

8. In view of the circumstances discussed in the orders dated 23.03.2026 and 05.05.2026 passed in CRM-M-55922-2025 and other connected cases and CRM-M-17244-2026 and other connected cases (Annexures P-6 and P-7) and admitted position that nothing was recovered from the personal search of any of the petitioner, this Court finds that there is no need to detain him inside jail for an indefinite period, merely on the ground that he was confined in Barrack No. 5 and Ward No. 6 of Central Jail, Goindwal.

9. With regard to the submissions made by learned State counsel, this Court is of the view that custody period of the petitioner in the present case would not commence for the purpose of this case. However, till such time, in a case like the present one, where no narcotic contraband has been recovered from the petitioner, his continued detention in custody for an indefinite period, is not warranted.

10. Consequently, prayer made in the present petition is allowed. Petitioner is ordered to be released on bail, subject to his furnishing bail/surety bonds to the satisfaction of the learned trial Court/ Chief Judicial Magistrate/ Illaqa Magistrate/ Duty Magistrate concerned, if not required in any other case.

11. Needless to observe that the petitioner shall not extend any threat and shall not influence any prosecution witness in any manner directly or indirectly.

12. The observation made here-in-above shall not be construed as an expression of opinion on the facts of the case and the Trial Court is expected to decide the case on the basis of complete evidence available on record.

13. It is further made clear that if, in future, petitioner is directly found indulged in similar kind of activities, this order shall be deemed to be cancelled.



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14. Petition stands disposed of.
- Pending misc. application(s), if any, also stand disposed of.

May 26, 2026

(SANJAY VASHISTH)
JUDGE

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