

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

2026:PHHC:089221



CRM-M-29467-2026 (O&M)
Date of Decision: 02.07.2026

JASPAL SINGH @ KALA

... PETITIONER

VERSUS

STATE OF PUNJAB

... RESPONDENT

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

Present:- Mr. Prateek Pandit, Advocate for the petitioner.

H.S. GREWAL, J. (ORAL)

1. Fourth petition for regular bail has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita (439 Cr.P.C.) in FIR No.5 dated 04.01.2024 under Section 22 of N.D.P.S. Act, 1985 registered at Police Station Dharamkot, District Moga.

2. The case of the prosecution is that the petitioner was found in conscious possession of 900 loose intoxicant tablets of "Tramadol Hydrochloride" weighing 349.2 grams.

3. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case. The petitioner is in custody for the last 02 years, 05 months and 25 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. Sandeep Kumar, 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 the Court today and the same is taken on record. As per the custody certificate, the petitioner is in custody for the last 02 years, 05 months and 25 days and out of total cited 09 prosecution witnesses, only 02 witnesses have been partly examined so far.

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 the petitioner is in custody for the last 02 years, 05 months and 25 days and is not involved in any other case; out of total cited 09 prosecution witnesses, only 02 witnesses have been partly examined so far; the conclusion of trial is likely to take 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.

8. Reference can be made to the judgment of the Hon'ble Supreme Court in the case of ***Pardeep Kumar @ Banu versus State of Punjab***, bearing Criminal Appeal No.1341/2026 (arising out of SLP(Cri.) No.18775/2025), decided on 13.03.2026, wherein it has been categorically held that where the accused has remained in custody for a considerable period and the trial has not even commenced, or is not likely to conclude in the near future, therefore, continued incarceration would amount to punishment without trial. In such circumstances, further detention pending trial is not necessary and the accused is entitled to be released on bail.

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 bail bonds, surety bonds to the

satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate concerned.

10. Nothing discussed hereinabove shall be construed as an expression of opinion on the merits of the case.

11. 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.

12. Pending miscellaneous application(s), if any, shall also stand disposed of.

02.07.2026
Janki

(H.S.GREWAL)
JUDGE

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