



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

CRM-M-45290-2025
Date of decision: 12.01.2026

AKASHDEEP SINGH

...PETITIONER

V/S

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE SUBHAS MEHLA

Present: Mr. G.S. Bawa, Advocate for the petitioner.

Mr. Sandeep Kumar, DAG, 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.236 dated 12.10.2023 registered under Sections 21 and 29 of Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS Act') (subsequently Sections 21-C and 27-A of NDPS Act, 1985 were added) at Police Station Maqboolpura, District Police Commissionerate Amritsar.

2. Learned counsel for the petitioner contended that as per the prosecution case, only 100 grams of heroine was recovered from the possession of present petitioner; the petitioner is in custody for the last more than 02 years and 02 months; the trial will take sufficient time to conclude as out of total 25 prosecution witnesses, not even a single witness has been examined so far; the petitioner is not involved in any other criminal activity and he is having clean and clear antecedents and the petitioner is a young boy



aged about 26 years. As such, learned counsel prayed for grant of regular bail to the petitioner.

3. On the other hand, learned State counsel produced the custody certificate of the petitioner, which is taken on record. Learned State counsel opposed the prayer of the petitioner and submitted that the present petitioner was apprehended along with two co-accused, namely, Balbir Singh @ Arsh and Gurdit Singh; from the possession of co-accused Balbir Singh, 900 grams of heroin was recovered; on the basis of disclosure statement of co-accused Balbir Singh, other co-accused were arrested; thereafter, a raid was conducted at the house of other co-accused Sandeep Singh, from where, 1.5 kgs of heroin along with drug money amounting to Rs.13,54,000/- was recovered, therefore, the petitioner is not entitled for concession of regular bail.

4. Heard.

5. Keeping in view the facts and circumstances of the present case and the fact that recovery from the present petitioner is 100 grams of heroin; the petitioner is in custody since 18.10.2023 i.e. for the last 02 years, 02 months and 23 days, as per his custody certificate; except the present case, the petitioner is not involved in any other case; trial will take sufficient time to conclude as out of 25 prosecution witnesses, not even a single witness has been examined till date; petitioner is a young boy aged about 26 years and no fruitful purpose would be served by keeping the petitioner in custody for any further period, as 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 parties and 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 petitioner.

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

7. Nothing observed hereinabove shall be construed to be expression of an opinion by this Court on merits of the case. The learned Court below is directed to proceed with the matter on its own merits, lest it may prejudice the trial.

January 12, 2026
manisha

(SUBHAS MEHLA)
JUDGE

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