

2026:PHHC:034871



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

102

CRM-M-48040-2025
Date of Decision: 07.03.2026

JOGINDER SINGH

... Petitioner

VERSUS

STATE OF PUNJAB

... Respondent

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

Present: Mr. Jashandeep Singh Sandhu, Advocate
for the petitioner.

Mr. Rishabh Singla, AAG, Punjab.

H.S. GREWAL, J. (ORAL)

This petition has been filed under Section 483 Bharatiya Nagrik Suraksha Sanhita, 2023 seeking regular bail for the petitioner in case FIR No.246 dated 22.12.2023 under Sections 21 of the NDPS Act, 1985 (Section 29 of the Act and Section 473 of IPC added later on) registered at Police Station Sadar Fazilka, District Fazilka.

2. The case of the prosecution is that 530 grams of heroin was recovered by the BSF on 22.12.2023 which was handed over to the police. Later on, the said contraband was found to be supplied by the petitioner and as such, he was arrested in the present case.

3. Learned Counsel for the petitioner contends that the allegations levelled against the petitioner are general and vague in nature. The petitioner is innocent and has been falsely implicated in the present case. He further submits that the petitioner is in custody for the last 02 years and 17 days and out of total 21 witnesses of prosecution, only one has been examined till date and four witnesses have been given up. It is further submitted that almost all the witnesses are police officials, still the prosecution is not able to produce its witnesses before the Court

despite issuance of bailable warrants. As such, the trial of the case is being delayed unnecessarily and it will take a long time to conclude. He thus prays that the petitioner be granted the concession of regular bail.

4. Notice of motion.

5. Mr. Rishabh Singla, AAG, Punjab accepts notice and vehemently opposes the petition for grant of bail on the ground that the allegations and role attributed to the petitioner in the commission of the alleged offence are very serious in nature since the petitioner was found to have smuggled the recovered contraband. Hence, he prays for dismissal of the present petition. Custody certificate filed by the State Counsel is taken on record. As per the said certificate, the petitioner is in custody for the last 02 years and 17 days.

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

7. Keeping in view the facts and circumstances of the case and taking into consideration the fact that the petitioner is in custody for the last 02 years and 17 days and that the trial is moving at a very slow pace and will take a long time to conclude, this Court is of the opinion that the petition in hand deserves to be allowed. Moreover, bail is rule and jail is exception. Since the continuous incarceration of the petitioner would not serve the ends of justice, therefore, he is entitled to regular bail during the pendency of the trial.

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/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

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

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

MARCH 07, 2026.

Rajender

(H.S. GREWAL)
JUDGE

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