

2026:PHHC:012154



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

212

CRM-M-49365-2025
Date of Decision: 28.01.2026

RASHPAL SINGH @ PALI

... Petitioner

VERSUS

STATE OF PUNJAB

... Respondent

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

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

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.03 dated 29.01.2023 under Sections 21, 27-A and 29 of the NDPS Act, 1985 registered at Police Station SSOC Amritsar, District Amritsar.

2. The case of the prosecution is that 5 Kgs of Heroin alongwith an amount of Rs.12,50,000/-, which is stated to be drug money, was recovered from the conscious possession of the petitioner.

3. Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. The entire story put forth by the prosecution is concocted one. He further submits that compliance of Section 50 of the NDPS Act, 1985 regarding offer of being searched by the DSP or some other Gazetted Officer has also not been made by the investigating agency, which in itself vitiates the entire proceedings. He further submits that the petitioner is not involved in any other case and that he is in custody for the last nearly 03 years. He further states that the trial of the case will take a long time to conclude as only 02 witnesses have been examined out of total 17 prosecution witnesses.

4. Notice of motion.

5. Mr. P.S. Pandher, AAG, Punjab accepts notice and vehemently opposes the petition for grant of bail on the ground that there is an active role of the petitioner in the commission of the offence in question. 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 year, 11 months and 26 days.

6. I have heard the 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 nearly 03 years and the trial will take a long time to conclude, this Court is of the opinion that the petitioner deserves the concession of regular bail. Moreover, bail is rule and jail is exception. Since the continuous incarceration of the petitioner would not serve the ends of justice, therefore, the petitioner 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 indulged 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.

JANUARY 28, 2026.

Rajender

**(H.S. GREWAL)
JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No