

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

2026.PHHC.046084



CRM-M-51571-2025 (O&M)

Date of Decision: 24.03.2026

VISHAL

... PETITIONER

VERSUS

STATE OF PUNJAB

... RESPONDENT

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

Present:- Mr. Suram Singh Rana, Advocate with
Mr. Arvind Kumar Sharma, Advocate for the petitioner.

Mr. Rishabh Singla, A.A.G., Punjab.

H.S. GREWAL, J. (ORAL)

1. The petitioner is seeking regular bail under Section 439 of the Cr.P.C. in FIR No.0137 dated 23.06.2021, under Sections 20, 29 of NDPS Act, registered at Police Station City Rajpura, District Patiala, Punjab.

2. The case of the prosecution is that on 23.06.2021, during patrolling near Roshan Colony, Rajpura, the police noticed one Pinky transferring items from one bag to another from a black Scorpio car (HR-26-BH-1480). She was apprehended and a total 32.500 kg of ganja was recovered from her. The allegation against the petitioner is that he is the owner of the said car and used the same to smuggle the contraband.

3. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in the present case. The petitioner has not been named in the FIR and was not apprehended at the spot. Moreover, the co-accused has already been granted bail by the Co-Ordinate Bench of this Court vide order dated 16.05.2022 passed in CRM-M-48764-

2021. He further submits that the petitioner is in custody since 07.06.2022.

He, thus, prays for grant of bail to the petitioner.

4. Per contra, learned State counsel vehemently opposes the prayer for grant of regular bail to the petitioner on the ground of gravity of allegations. However, he does not dispute that the petitioner is in custody for the last more than 3-1/2 years. Learned State counsel further submits that the petitioner is involved in two more cases and out of total cited 16 prosecution witnesses, only 09 have been examined so far.

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

6. 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 more than 3-1/2 years; although all the prosecution witnesses being police officials, out of total cited 16 prosecution witnesses, only 09 have been 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 has no option but to grant the concession of regular bail to the petitioner during the pendency of the trial. Moreover, *'bail is rule and jail is exception'*.

7. 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.

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

9. 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.

24.03.2026
Janki

(H.S.GREWAL)
JUDGE

Whether speaking/reasoned

:

Yes/No

Whether reportable

:

Yes/No