

123 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH



CRM-M-52852-2025 (O&M)
Date of Decision: 24.03.2026

LOVEJIT SINGH ALIAS WARDER LOVEJIT SINGH
... PETITIONER
VERSUS
STATE OF PUNJAB ... RESPONDENT

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

Present:- Mr. Hitesh Chopra, Advocate with
Mr. Amit Kumar, 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 483 of the Bharatiya Nagarik Suraksha Sanhita (BNSS) in FIR No. 352 dated 05.10.2024 registered under Sections 22, 29, 61, 85 of NDPS Act and Sections 52-A, 42 of Prisons Act at Police Station Goindwal Sahib, Distt. Tarn Taran.

2. The case of the prosecution is that on 04.10.2024, the jail authorities recovered 90 red intoxicant capsules, 60 cool lip packets and 9 packets of tobacco from the corridor of jail. During investigation, the CCTV footage revealed that co-accused Rachhpal Singh Sandhu @ Warder Rachhpal Singh has placed a polythene bag outside the small outer gate during his official duty and a small quantity of intoxicant powder was also found under his bed. The petitioner, being his roommate, was searched, leading to recovery of 189 OOAT tablets, 4 SIM cards, and 15 empty SIM

COVERS.

3. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in the present case. The recovery effected from the room does not, by itself, establish conscious possession of the petitioner, which remains to be proven by the prosecution. Similarly, placed co-accused has already been granted bail by the Co-Ordinate Bench of this Court vide order dated 20.08.2025 passed in CRM-M-36006-2025. He further submits that the petitioner is in custody for the last 01 year, 05 months and 13 days. 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. Learned State counsel has filed the custody certificate in Court, which is taken on record. He further submits that as per the custody certificate, the petitioner is in custody for the last 01 year, 05 months and 13 days. The petitioner is involved in two more cases.

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 alleged recovery has been effected from the room of the petitioner; he is in custody for the last 01 year, 05 months and 13 days; similarly, placed co-accused has already been granted bail by the Co-Ordinate Bench of this Court; the conclusion of trial is likely to take a long 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