

2026:PHHC:034897



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

103

CRM-M-57129-2025
Date of Decision: 07.03.2026

GURWANT SINGH @ MANGA

... Petitioner

VERSUS

STATE OF PUNJAB

... Respondent

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

Present: Mr. Ruhani Chadha, 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.09 dated 21.01.2025 under Sections 21-B of the NDPS Act, 1985 (Sections 21-C and 29 of the Act added later on) registered at Police Station Sultanwind, District Amitsar.

2. The case of the prosecution is that the petitioner alongwith his co-accused namely Palwinder Singh @ Sunny was apprehended on 21.01.2025 as they were in conscious possession of 130 grams of heroin. Further, at the instance of the petitioner, another recovery of 710 grams of heroin was effected on 22.01.2025.

3. Learned Counsel for the petitioner contends that the allegations levelled against the petitioner are general and vague in nature. The petitioner alongwith his co-accused was apprehended at 16.46 hours on 21.01.2025 whereas

the FIR has been registered at 21.59 hours on 21.01.2025. Learned counsel for the petitioner points out that a CCTV footage and some photographs were produced before the I.O. showing that one Innova Car bearing No.PB02-CN-0068 was chasing the petitioner, who alongwith his co-accused Palwinder @ Sunny was going on their motorcycle and later on the petitioner alongwith his co-accused was apprehended by the police. The time in CCTV footage is around 16.46 hours whereas the FIR in question has been registered at 21.59 hours and another recovery of 710 grams of heroin is shown to be effected at 02.00 AM on the next day. The abovementioned Innova car, which is stated to be chasing the petitioner and his co-accused, belongs to ASI Vikram, who is posted in the same police station. He further submits that from the above circumstances, it is apparently clear that the petitioner and his co-accused were picked up by the police and later on implicated in the present FIR. He further submits that the petitioner is in custody for the last 01 year, 01 month and 08 days, and out of total 17 witnesses of prosecution, none has been examined till date and as such, the trial 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 in possession of total 840 grams of heroin. 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 01 year, 01 month and 08 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 01 year, 01 month and 08 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. It is also noticeable here that the State Counsel could not give any explanation with regard to the CCTV footage and the photographs referred to by the learned counsel for the petitioner. 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. Hence, 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