

116 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

2026.PHHC.042165



CRM-M-60398-2025 (O&M)
Date of Decision: 18.03.2026

GURWINDER SINGH ... PETITIONER
VERSUS
STATE OF PUNJAB ... RESPONDENT

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

Present:- Mr. Munish Garg, Advocate for the petitioner.

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.533 dated 25.11.2022, registered under Sections 15, 25, 29, 61/85 of the Narcotic Drugs and Psychotropic Substances Act, Section 52-A of the Prisons Act and Sections 201, 473 of the Indian Penal Code at Police Station City Barnala, District Barnala.

2. The case of the prosecution is that on 25.11.2022, the Police received a secret information that the petitioner along with co-accused Ram Singh and others were transporting a large quantity of poppy husk in a Baleno car (PB-13-AR-7770) which was owned by co-accused Raju Singh on the Bathinda–Barnala road. On the basis of said information, the police set up a barricade near Sewak Dhaba and upon search, 160 kgs of poppy husk (8 bags of 20 kgs each) was recovered from the trunk of the said car.

3. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in the present case. The petitioner was not the owner of the car from which the alleged contraband was recovered and for the last 1-½ years, no prosecution witness has been

examined. He further submits that the petitioner is in custody for the last 03 years, 03 months and 20 days. He prays for grant of regular bail to the petitioner.

4. Notice of motion.

5. Mr. Parneet Singh Pandher, A.A.G., Punjab accepts notice on behalf of the State and 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 03 years, 03 months and 20 days and petitioner is involved in two more cases.

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

7. 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 was not the owner of the car from which the alleged contraband was recovered; although 5 prosecution witnesses who are all official witnesses are yet to be examined despite being repeatedly summoned, the petitioner is not being produced by the Jail authorities before the Court which caused delay in the trial; further as per zimni orders placed on record, the petitioner and the co-accused are not being produced before the Court even through video conferencing; he is in custody for the last 03 years, 03 months and 20 days; the trial is likely to take a long time and continuous detention of the petitioner would not serve the ends of justice, this Court deems it fit to grant the concession of regular bail to the petitioner during the pendency of the trial. Moreover, *'bail is rule and jail is exception'*.

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

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.

18.03.2026
Janki

(H.S.GREWAL)
JUDGE

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