



CRM-M-60060-2025

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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Decided on : 21.04.2026

Deva Singh

... Petitioner(s)

Versus

State of Punjab

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present : Mr. Ruhani Chadha, Advocate
for the petitioner(s).

Mr. Neeraj Madaan, Sr. DAG Punjab

SANJAY VASHISTH, J. (Oral)

1. The instant petition has been filed under Section 483 of BNSS, 2023 (earlier Section 439 Cr.P.C.), for grant of regular bail to the petitioner, during the pendency of trial, who has been booked in a criminal case arising out of First Information Report, as detailed hereunder:-

Name of Petitioner(s)	FIR No.	Date	Section(s)	Police Station	District
Deva Singh, aged 30 years	01	04.01.2025	21 of NDPS Act (Section 29 of NDPS Act added later on)	Kot Ise Khan	Moga

2. FIR in the present case was registered on the basis of secret information given by the secret informer, though prior to the effecting of actual recovery from the petitioner of any narcotic contraband. When the petitioner was intercepted, from his possession 270 grams of Heroin i.e. 20 grams more than maximum non-commercial quantity was effected.

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3. Learned counsel for the petitioner submits that petitioner has been in custody for the last more than a period of 01 year, 03 months and 14 days. Referring paragraph No. 14 of the petition, it is pointed out that there are total three cases and in FIR No. 8 dated 05.02.2022, registered with Police Station Kabirpur under Section 21 of NDPS Act, petitioner was acquitted vide order dated 21.11.2023 passed by learned JMIC 1st Class, Sultanpur Lodhi. For reference description of those three cases mentioned in para No. 14 are as follows:

a. FIR No. 8 dated 05.02.2022 registered with Police Station Kabirpur under Section 21 of NDPS Act District Kapurthala. (Acquitted vide order dated 21.11.2023 passed by Ld. JMIC 1st Class, Sultanpur Lodhi)

b. FIR No. 138 dated 20.04.2019 registered with Police Station Phillaur under Section 21 of NDPS Act District Jalandhar. (Granted regular bail by the Ld. Special Judge, Jalandhar vide order dated 23.05.2019)

c. FIR No. 324 dated 25.11.2022 registered with P.S. Sultanpur Lodhi District Kapurthala under Section 22 of Narcotics Drugs and Psychotropic Substance Act, 1985 and Section 15 and 29 of Narcotics Drugs and Psychotropic Substance Act, 1985 added later on (granted regular bail vide order dated 08.04.2024 passed in CRM-M-574 of 2024).

In other two cases, learned counsel for the petitioner explains that infact recovery in both the cases was non-commercial quantity and the petitioner has already been released on bail in these cases, however, allegations are yet to be proved by the prosecution beyond doubt.

4. On the other hand, learned State counsel opposes the prayer for bail, submitting that the petitioner was arrested on spot with more than non-commercial quantity. Even so, the State prays for dismissal of the present petition.

5. Heard learned counsel for the parties and perused the material



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available on record.

6. Admittedly, petitioner has been in custody for the last more than a period of 01 year, 03 months and 14 days and till date process of recording of statements has not even been started, despite charges having been framed on 07.07.2025. Undoubtedly, once the petitioner is lying inside jail and charges having been framed on 07.07.2025, it can not be alleged that there is any fault of the petitioner for not recording of statements of the witnesses. In one of the case, the petitioner already stands acquitted and in two cases petitioner is already on bail and charges are yet to be framed. Out of total 16 prosecution witnesses, none has been examined till date.

This Court is also of the view that petitioner deserves an opportunity to rehabilitate and reintegrate into society. Thus, without making any comments or observations on the quality/standard of the evidence collected by the prosecution, primarily considering the long incarceration and non-examination of the material witnesses, to the view point of this Court, personal liberty of the petitioner cannot be curtailed for an indefinite period.

7. Considering the aspects and circumstances, prayer made in the present petition is allowed. Petitioner is ordered to be released on bail, subject to his furnishing bail/surety bonds to the satisfaction of the learned trial Court/ Chief Judicial Magistrate/ Illaqa Magistrate/ Duty Magistrate concerned, if not required in any other case.

8. Any of the discussion done and recorded here above, shall not be construed as an expression of opinion on the facts of the case. Therefore, trial Court is expected to decide the case by taking an independent view, on the basis of evidence available on record, as expeditiously as possible in accordance with law.



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9. It is further made clear that if in future petitioner is found indulged in similar kind of activities, prosecution would be at liberty to seek cancellation of bail in the present case.
10. Petition stands disposed of.
11. Pending application(s), if any, shall stands disposed of accordingly.

April 21, 2026

**(SANJAY VASHISTH)
JUDGE**

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Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No