

126 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH



CRM-M-61202-2025 (O&M)
Date of Decision: 24.03.2026

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

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

Present:- Mr. K.B.Raheja, 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. 32 dated 12.03.2025 registered under Sections 21, 29, 61, 85 of NDPS Act at Police Station Sadar Ferozepur, Distt. Ferozepur.

2. The case of the prosecution is that co-accused Sukhwinder Singh @ Sukha along with the petitioner was apprehended by the Police party while they were coming on a motor-cycle and 559 gms of heroin was recovered from the co-accused. On the disclosure statement of the co-accused, another 1 Kg 20 gms of heroin was also recovered from the house of the co-accused.

3. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in the present case. The petitioner was only a pillion rider. However, no recovery has been effected from the petitioner. He further submits that the petitioner is in custody for the last 01 year and 10 days and is not involved in any other case. 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 and 10 days.

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 was only a pillion rider and no recovery has been effected from him; the petitioner is in custody for the last 01 year and 10 days; he is not involved in any other case; the trial of the case is yet to commence 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’*.

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