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

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Date of Decision: 17.03.2026

HARJINDER SINGH ALIAS JINDU**... PETITIONER**

VERSUS

STATE OF PUNJAB**... RESPONDENT****CORAM : HON'BLE MR. JUSTICE H.S.GREWAL**

Present:- Mr. Prateek Pandit, Advocate for the petitioner.

Mr. P.S.Pandher, Asst. A.G.Punjab.

H.S. Grewal, J.(Oral)

1. This petition has been filed under Section 483 of the BNSS, 2023 for grant of regular bail to the petitioner in FIR No. 65 dated 24.03.2025 under Sections 21 (c), 29 of NDPS Act, 1985 and Section 317(2), 345(3) of BNS, 2023 registered at Police Station Sadar Kapurthala District Kapurthala.
2. As per the prosecution, a secret information was received by Inspector Jarnail Singh that the petitioner, who was already lodged in custody in a case under the NDPS Act, was operating a heroin trafficking racket from inside the jail with the assistance of his brother, Jorawar Singh @ Jora, by using a mobile phone. It was further discovered that Jorawar Singh had been collecting consignments of heroin and, upon apprehension, 250 grams of heroin was recovered from him.
3. Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case, as he is neither named in the FIR

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nor has any recovery been effected from him. He further submits that the petitioner has been roped in this case solely on the basis of the disclosure statement suffered by co-accused Jorawar Singh, alleging that he was acting on the directions of the petitioner. It is also submitted that the petitioner was already in custody since 10.07.2023 in FIR No. 237 dated 26.09.2019, registered under Section 21 of the NDPS Act at Police Station Sultanpur Lodhi, District Kapurthala. It is further argued that the co-accused Jorawar Singh has already been granted the concession of regular bail by the Co-ordinate Bench of this Court. He further submits that the petitioner is in custody since 24.03.2025 and prays for grant of regular bail.

4. On the other hand, learned State counsel has vehemently opposed the prayer for grant of regular bail on the ground that the petitioner has previously been involved in cases under the NDPS Act and, therefore, is not entitled to the concession of bail. He has filed the custody certificate in Court today, which is taken on record. It is further submitted that the petitioner has been in custody for the last 08 months and 17 days and is also involved in three other cases.

5. I have heard the submissions made by learned counsel for the parties and have gone through the record.

6. After considering the rival contentions and the material available on record, it is evident that there is no substantial evidence to support the case of the prosecution regarding the alleged recovery. As per the FIR, the petitioner was allegedly operating from jail, which itself has not been explained as no mobile phone or other communication device has been recovered. Moreover,



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apart from the disclosure statement of the co-accused, there is no independent evidence linking the petitioner with the alleged recovery; the petitioner is in custody for the last 08 months and 17 days, the trial is likely to take considerable time to conclude, this Court is of the view that no useful purpose would be served by further incarceration of the petitioner.

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/surety bonds to the satisfaction of the trial Court/Duty 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 if while on bail so granted through the instant order, the petitioner is found indulged in any other criminal case/activity, it shall be open to the State to seek cancellation of his bail.

17.03.2026
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(H.S.GREWAL)
JUDGE

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