

2026.PHHC.005504



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

223

CRM-M-61623-2025

Date of decision: 16th January, 2026

Gurpreet Singh @ Gopi

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Rakesh Kumar, Advocate for the petitioner.

Ms. Sakshi Bakshi, Assistant Advocate General, Punjab.

MANISHA BATRA, J (ORAL):-

The present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') by the petitioner seeking grant of regular bail in case bearing FIR No. 144 dated 30.07.2025 registered under Sections 21-B, 27-A and 29 of Narcotic Drugs and Psychotropic Substance Act, 1985 (for short 'NDPS Act') at Police Station Chheharta, District Amritsar.

2. As per the allegations, on 30.07.2025, the petitioner was found coming from Miripiri road side and was apprehended on the basis of suspicion. On conducting his search, 50 grams of heroin and currency notes of Rs. 1490/- were recovered from his conscious possession which were taken into custody. The petitioner was formally arrested. The petitioner is facing trial for

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commission of aforementioned offences.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. He has been in custody since long. He has clean criminal antecedents. Trial will take considerable time to conclude as no prosecution witness has been examined so far. His further incarceration would not serve any useful purpose. The rigors of Section 37 of NDPS Act are not attracted in this case. It is, therefore, urged that he deserves to be extended benefit of bail.

4. *Per contra*, learned State counsel while placing on record custody certificate has argued that taking into consideration the gravity of the allegations levelled against the petitioner, he does not deserve to be released on bail. Therefore, it is stressed that the petition does not deserve to be allowed.

5. This Court has heard learned counsel for the parties at considerable length.

6. The petitioner is alleged to have been found in possession of non-commercial quantity of contraband. He is in custody for a period of five months and fifteen days. Trial will take considerable time to conclude. No useful purpose would be served by detaining him in custody anymore. It is well settled proposition of law that bail is the rule and jail is an exception. It is also well settled that pre-trial incarceration should not be a replica of post-conviction sentence. Keeping in view the period of incarceration of the petitioner, his clean antecedents, the nature of subject offence and the attendant facts and circumstances of the case but without meaning to make

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any comment on the merits thereof, I am of the considered opinion that the petition deserves to be allowed. Hence, the same is allowed and the petitioner is ordered to be released on bail subject to his furnishing personal/surety bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.

7. Since the main petition has already been disposed of, pending application, if any, is rendered infructuous.

[MANISHA BATRA]
JUDGE

16th January, 2026
Parveen Sharma

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|-------------------------------|---|----------|
| 1. Whether speaking/ reasoned | : | Yes / No |
| 2. Whether reportable | : | Yes / No |