



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

236

CRM-M-62730-2025

Date of Decision:-12.01.2026

GURWINDER SINGH ALIAS KALU

.....PETITIONER

VS.

STATE OF PUNJAB

.....RESPONDENT

CORAM:- HON'BLE MR. JUSTICE SUBHAS MEHLA

Present:- Mr. Kanwaljeet Singh Brar, Advocate
for the petitioner.

Mr. Surinderjit Singh Nahar, AAG, Punjab.

SUBHAS MEHLA, J.(ORAL)

1. By way of the present petition, the petitioner is seeking regular bail in FIR No.164 dated 07.07.2025 under Sections 21(b) of NDPS Act, 1985, registered at Police Station City Kotkapura, District Faridkot (Annexure P-1).

2. Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. It is further contended that the petitioner was the pillion rider on the motorcycle. The alleged recovery was not effected from the conscious possession of the petitioner but from the motorcycle, which does not belong to the present petitioner. It is further submitted that the investigation has been completed, the challan has been presented and charges have already been framed. The petitioner has been in custody since 07.07.2025, i.e. for more than six months, and although he is involved in two other cases, he is not involved in any other case under the NDPS Act except the present one. Learned counsel further submits that the trial is likely to take sufficient time to conclude and no useful purpose would



be served by keeping the petitioner behind bars.

3. Learned State counsel has vehemently opposed the prayer for grant of regular bail to the petitioner by submitting that the petitioner and co-accused were apprehended and 28.50 grams of heroin alongwith drug money of Rs.5000./- were recovered from the motorcycle on which they were riding. He further submits that although the petitioner is involved in two other cases, he is not involved in any other case under the NDPS Act except the present one, and therefore, the petitioner does not deserve the concession of bail.

5. Heard.

6. Keeping in view the facts and circumstances of the case that the petitioner has been in custody since 07.07.2025, i.e. for more than six months; no recovery has been effected from his conscious possession and the alleged recovery was effected from the motorcycle on which he was riding along with the co-accused; that the investigation has already been completed, the challan has been presented and charges have been framed; trial will take sufficient time to conclude and no fruitful purpose would be served by keeping him in custody for any further period, as concession of bail cannot be denied just as measure of punishment as culpability of the accused will be decided at the final stage by the trial Court after appreciating the evidences adduced by both sides and it is trite principle of criminal jurisprudence that bail is rule, jail is an exception, this Court deems it a fit case to grant the concession of regular bail to 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 bonds to the satisfaction of the trial



Court/Duty Magistrate/Chief Judicial Magistrate concerned.

8. Nothing observed hereinabove shall be construed to be expression of an opinion by this Court on merits of the case. The learned Court below is directed to proceed with the matter on its own merits, lest it may prejudice the trial.

January 12, 2026
Kusum

(SUBHAS MEHLA)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>