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CRM-M-63614-2025

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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-63614-2025

Date of decision: 05.02.2026

BALKAR SINGH

....Petitioner

Versus

STATE OF PUNJAB

....Respondent

CORAM:- HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present:- Ms. Manjot Kaur, Advocate for the petitioner.

Mr. Amritpal Singh Gill, DAG Punjab.

.....

RUPINDERJIT CHAHAL, J. (ORAL)

1. Prayer in the instant petition filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 is for grant of regular bail to the petitioner in case FIR No.118 dated 04.05.2025 registered under Sections 22 & 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (Section 27 of the NDPS Act added later on) at Police Station Anti Narcotics Force, Sector 79, SAS Nagar Mohali, District ANTF Wing, SAS Nagar, Mohali.

2. Brief facts of the present case as per the prosecution are that on 04.05.2025, S.I Avtar Singh, along with his fellow police officials while on a patrolling duty and on the basis of secret information apprehended the petitioner, who was found in conscious possession of 2570 intoxicant tablets and capsules. Hence, the present FIR.

3. Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case and he has no concern with the



said offence. He further contends that mandatory provisions of the NDPS Act were not complied with at the time of alleged search and seizure. He argued that recovery of alleged contraband has already been effected from the petitioner and nothing more is to be recovered from him. The petitioner is in custody since 04.05.2025. The investigation in the case is complete; challan stands presented; charges are yet to be framed. He submits that the petitioner has clean antecedents and is not involved in any other case. He submits that as per the FSL report the recovered contraband falls under the non-commercial category. He further submits that the trial will take a long time to conclude and no useful purpose would be served by keeping him behind the bars. Therefore, it is urged that the petition deserves to be allowed.

4. Learned State counsel has filed the custody certificate of the petitioner, which is taken on record Status report has already been filed and he relying upon the same has vehemently opposed the prayer for grant of bail by submitting that the offence committed by the petitioner is serious in nature and that he was apprehended at the spot with the alleged contraband. However, he has not controverted to the fact that the recovered contraband is non-commercial in nature and that the petitioner is not involved in any other case.

5. Having heard learned counsel for the parties at length and after perusing the record of the case, it is evident that the petitioner is in custody for the last more than 08 months, investigation is complete; challan stands presented; charges are yet to be framed; as per the FSL report the recovered contraband falls under the non-commercial category; petitioner has clean antecedents as he is not involved in any other case and the fact that trial may

take a long time to conclude, no useful purpose would be served by detaining



him in further custody. Keeping the petitioner in further detention without the prospect of the trial being concluded in the near future would be violative of his rights under Article 21 of the Constitution of India.

6. Reliance is placed upon a judgment in the case of *Dataram Singh vs. State of Uttar Pradesh & Anr. 2018(2) R.C.R. (Criminal) 131*, wherein Hon’ble Apex Court has held that keeping somebody behind the bars, till his guilt is proved, for an indefinite period amounts to infringement of her right to life and liberty, as enshrined under Article 21 of Constitution of India and is against the principle “*bail is a rule*” and “*jail is an exception*”.

7. In view of the above, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate/CJM concerned. It is clarified that nothing stated herein shall be construed as an expression of opinion on the merits of the case.

05.02.2026
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(RUPINDERJIT CHAHAL)
JUDGE

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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |