



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

110

CRM-M No.63767 of 2025 (O&M)

Date of Decision: 20.02.2026

Kulwinder Singh

.....Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR.JUSTICE SURYA PARTAP SINGH

Present: Mr. Jasdev Singh Mehndiratta, Sr. Advocate with
Ms. Jyotnoor Kaur Sethi, Advocate for the petitioner.

Mr. Eklavya Darshi, DAG, Punjab.

SURYA PARTAP SINGH, J. (Oral):

This petition, under Section 483 of the Bharatiya Nagarik Suraksha Sanhita 2023, is the first petition, filed by the petitioner for grant of bail. The above mentioned petition pertains to a case arising out of FIR No.180 dated 14.07.2025, under Sections 105, 3(5) of Bharatiya Nyaya Sanhita, 2023, and Section 27 of Narcotic Drugs & Psychotropic Substances Act, 1985, hereinafter being referred to as 'NDPS' Act, Police Station Tripri, District Patiala.

2. Briefly stating the facts emerging from record are that the FIR of this came into being at the instance of 'Naresh Kumar', hereinafter being referred to as 'complainant', only. It was stated by the above named complainant that his elder son namely 'Rohit' had a friendship with 'Mohan Lal' and 'Prabhjot @ Kaka', and that they had prompted the son of complainant to consume intoxicating substances. According to complainant on



13.07.2025 at about 6.00 P.M. 'Mohan Lal' took 'Rohit' on his motorcycle and that in next morning a neighbour told the complainant that his son 'Rohit' was lying unconscious in Street No.8, Dashmesh Nagar, Patiala. The complainant further stated that he rushed to the spot, arranged a vehicle and got his son 'Rohit' admitted in Rajindera Hospital, Patiala but he was declared dead.

3. It is the case of the prosecution that in view of above mentioned statement, formal FIR of this case was lodged, and the investigation taken up. According to prosecution during the course of investigation the accused 'Mohan Lal' was arrested, who on interrogation suffered a disclosure statement wherein he disclosed that on 13.07.2025 they had purchased drugs from 'Lopi', 'Chamkaur Singh' and 'Kulwinder', and that 'Rohit' had taken an overdose of the drugs due to which his condition deteriorated and later on he had passed away. With regard to above, it was stated by the complainant that some poisonous substance was administered to the deceased and because of that substance his son passed away.

4. The learned State Counsel has filed custody certificate of the petitioner. The same be taken on record.

5. Heard.

6. The record has been perused carefully.

7. A perusal of the record shows that following are the relevant factors which are required to be taken into consideration for the purpose of a decision in the present petition:-

- i) that the petitioner is already in custody for a period of more than 6 months;



- ii) that the only role attributed to the petitioner in the commission of crime is that he supplied drug to the deceased and his two friends namely 'Prabhjot' and 'Mohan Lal';
- iii) that except the disclosure statement of co-accused there is no other evidence to show that the drug was actually sold by the petitioner to the deceased and his two friends;
- iv) that the FSL report shows that that no poisonous substance, whatsoever, was ever administered to the deceased;
- v) that nothing is left to be recovered from the possession of petitioner;
- vi) that the trial is not likely to be concluded in near future;
- vii) that detention of petitioner in judicial lock-up is not likely to serve any purpose;
- viii) that there is nothing on record to show that if released on bail, the petitioner may tamper with the evidence or influence the witnesses;
- ix) that there is nothing on record to show that if released on bail, the petitioner will not co-operate/participate in the trial.

8. In the present case, the principles of law laid down by the Hon'ble Supreme Court in the case of 'Dataram versus State of Uttar Pradesh and another', (2018) 3 SCC 22, are relevant, wherein it has been observed that "a fundamental postulate of criminal jurisprudence is the presumption of innocence, meaning thereby that a person is believed to be innocent until found



guilty. However, there are instances in our criminal law where a reverse onus has been placed on an accused with regard to some specific offences but that is another matter and does not detract from the fundamental postulate in respect of other offences. Yet another important facet of our criminal jurisprudence is that the grant of bail is the general rule and putting a person in jail or in a prison or in a correction home (whichever expression one may wish to use) is an exception. Unfortunately, some of these basic principles appear to have been lost sight of with the result that more and more persons are being incarcerated and for longer periods. This does not do any good to our criminal jurisprudence or to our society. There is no doubt that the grant or denial of bail is entirely the discretion of the judge considering a case but even so, the exercise of judicial discretion has been circumscribed by a large number of decisions rendered by this Court and by every High Court in the country. Yet, occasionally there is a necessity to introspect whether denying bail to an accused person is the right thing to do on the facts and in the circumstances of a case”.

9. The principles laid down by the Hon’ble the Supreme Court of India in the case of ‘Satender Kumar Antil v. Central Bureau of Investigation’ (2022) 10 SCC 51 are also relevant in this case. In the abovementioned case, it has been observed that “the rate of conviction in criminal cases in India is abysmally low. It appears to us that this factor weighs on the mind of the Court while deciding the bail applications in a negative sense. Courts tend to think that the possibility of a conviction being nearer to rarity, bail applications will have to be decided strictly, contrary to legal principles. We cannot mix up



consideration of a bail application, which is not punitive in nature with that of a possible adjudication by way of trial. On the contrary, an ultimate acquittal with continued custody would be a case of grave injustice”.

10. Recently, in the case of ‘Tapas Kumar Palit Vs. State of Chhattisgarh’, 2025 SCC Online SC 322, the Hon’ble Supreme Court of India has observed that “if an accused is to get a final verdict after incarceration of six to seven years in jail as an undertrial prisoner, then, definitely, it could be said that his right to have a speedy trial under Article 21 of the Constitution has been infringed”. It has also been observed by the Hon’ble Supreme Court of India in the abovementioned case that “delays are bad for the accused and extremely bad for the victims, for Indian society and for the credibility of our justice system, which is valued. Judges are the masters of their Courtrooms and the Criminal Procedure Code provides many tools for the Judges to use in order to ensure that cases proceed efficiently”.

11. To elucidate further, this Court is conscious of the basic and fundamental principle of law that right to speedy trial is a part of reasonable, fair and just procedure enshrined under Article 21 of the Constitution of India. This constitutional right cannot be denied to an undertrial prisoner, as mandated by Hon’ble Apex court in ‘Balwinder Singh versus State of Punjab and another’ 2024 SCC Online SC 4354.

12. Taking into consideration the cumulative effect of all the aforesaid factors, it is hereby held that the petitioner is entitled for the concession of bail, and that the present petition deserves to be allowed.



13. Accordingly, without commenting anything on the merits of the case, the present petition is hereby **allowed**. The petitioner is hereby ordered to be released on bail on furnishing personal bond and surety bond(s) to the satisfaction of learned trial Court. However, the abovesaid benefit shall be subject to following conditions:-

- i) that the petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, so as to dissuade him from disclosing such facts to the Court or to any other authority;
- ii) that the petitioner shall at the time of execution of bond, furnish the address to the Court concerned and shall notify the change in address to the trial Court, till the final decision of the trial; and
- iii) that the petitioner shall not leave India without prior permission of trial Court.

(SURYA PARTAP SINGH)
JUDGE

20.02.2026
Manoj Bhutani

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