



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

122-1

CRM-M-66281-2025
Date of Decision: 10.03.2026

ASHOK SINGH

... Petitioner

VERSUS

STATE OF PUNJAB

... Respondent

CORAM: HON'BLE MR. JUSTICE H.S. GREWAL.

Present: Mr. Ruhani Chadha, Advocate
for the petitioner.

Mr. P.S. Pandher, AAG, Punjab.

H.S. GREWAL, J. (ORAL)

This petition has been filed under Section 483 Bharatiya Nagrik Suraksha Sanhita, 2023 seeking regular bail for the petitioner in case FIR No.99 dated 26.10.2024 under Section 21 of the NDPS Act, 1985 (Section 29 of the Act added later on) registered at Police Station Sadar Jalalabad, District Fazilka.

2. The case of the prosecution is that two accused persons namely Angrej Singh and Vikram Singh @ Vicky were apprehended by the BSF while they were allegedly searching for the contraband in the paddy fields. It is stated that three other persons managed to escape. Thereafter, 540 grams of heroin was recovered from the said paddy fields and the petitioner herein nominated on the basis of disclosure statements made by abovesaid two accused persons as he was stated to be one of the persons who had fled away from the spot.

3. Learned Counsel for the petitioner contends that the contraband was not recovered from the possession of the petitioner. He further submits that there is no other evidence except for the disclosure statements to connect the petitioner with the alleged offence. He further submits that the petitioner was already in custody when he was implicated in the present case. It is further stated that the petitioner was arrested in the present case on 26.08.2025 and since then he is in custody i.e. for the last more than 06 months. He thus prays that the petitioner be granted the concession of regular bail.

4. Learned State Counsel vehemently opposes the petition for grant of bail on the ground that the allegations and role attributed to the petitioner in the commission of the alleged offence are very serious in nature and the petitioner has actively participated in the alleged offence. Hence, he prays for dismissal of the present petition. Custody certificate has not been filed by the State Counsel, however, he does not deny the date of arrest of the petitioner as stated above.

5. I have heard learned counsel for the parties and perused the record.

6. Keeping in view the facts and circumstances of the case and taking into consideration the fact that the petitioner is in custody for the last more than 06 months coupled with the fact that apart from the disclosure statement, the investigating agency could not produce any other evidence against the petitioner, this Court is of the opinion that the petition in hand deserves to be allowed. Moreover, bail is rule and jail is exception. Since the continuous incarceration of the petitioner would not serve the ends of justice, therefore, he is entitled to regular bail during the pendency of the trial.

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. It is clarified that if while on bail so granted through the instant order, the petitioner is found indulging in any other criminal case/activity, it shall be open to the State to seek cancellation of his bail.

9. Nothing discussed hereinabove shall be construed as an expression of opinion on the merits of the case.

MARCH 10, 2026.

Rajender

(H.S. GREWAL)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No