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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CRM-M-66442-2025

Date of Decision: 05.03.2026

BARA SINGH

... PETITIONER

VERSUS

STATE OF PUNJAB

... RESPONDENT

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

Present:- Ms. Manjot Kaur, Advocate for the petitioner.
Mr. Rishabh Singla, AAG, Punjab.

H.S. Grewal, J.(Oral)

1. This petition has been filed under Section 483 of the BNSS, 2023 for grant of regular bail to the petitioner in FIR No. 166 dated 30.08.2025 under Section 21 of NDPS Act (Section 29 of NDPS Act added later on) registered at Police Station, City Sangrur, District Sangrur.
2. The case of the prosecution is that the petitioner along with his co-accused was apprehended on motorcycle and 51 grams of heroin was recovered from them.
3. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case. She further submits that the alleged recovery falls under the category of non-commercial quantity, and therefore, the provisions of Section 37 of the NDPS Act are not attracted in the present case. The petitioner has been in custody since 30.08.2025.
4. On the other hand, learned State counsel has vehemently opposed the prayer made by learned counsel for the petitioner for the grant of regular bail. He has filed the custody certificate in the Court today and the same is taken on record. As per the custody certificate, the petitioner is in custody for the last 06 months and 02 days and is involved in one more case under NDPS Act.

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5. I have heard the submissions made by the parties and gone through the record.

6. After hearing the rival contentions of learned counsel for the parties and keeping in view the facts and circumstances of the case and the fact the petitioner is in custody for the last 06 months and 02 days; the petitioner is involved in one more case under the NDPS Act and he has already been released on bail in that case after 29 days and since the trial is yet to commence and is likely to take a considerable time to conclude, therefore, no useful purpose would be served by further incarceration of the petitioner. Moreover, it is a settled principle of law that "*bail is the rule and jail is the exception.*" Hence, this Court deems it appropriate to grant the concession of regular bail to the petitioner 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. Nothing discussed hereinabove shall be construed as an expression of opinion on the merits of the case.

9. 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.

10. Pending applications, if any, shall also stand disposed of.

05.03.2026*renu***(H.S.GREWAL)
JUDGE**

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