

2026.PHHC.042107



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

119

CRM-M-67989-2025 (O&M)

Date of decision: 18.03.2026

RINKU

... Petitioner

Versus

STATE OF PUNJAB

... Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Gurjinder Singh Thind, Advocate for the petitioner.
Mr. Manipal Singh Atwal, DAG, Punjab.

AMAN CHAUDHARY, J. (ORAL)

1. Prayer in the present petition filed under Section 483 of BNSS, 2023, is for grant of regular bail to the petitioner in case FIR No.63 dated 29.07.2023, registered under Sections 22/61/85 of the NDPS Act, 1985 and later on added Section 27 of the NDPS Act, at Police Station Sanour, District Patiala.

2. Learned counsel contends that the petitioner has been in custody for 2 years, 7 months, 16 days. The alleged recovery is 25 tablets of Alprazolam from a polythene bag that allegedly thrown by the petitioner, thus, it is debatable whether it is in his conscious possession. Co-accused Karan Kumar has been granted bail by this Court vide order dated 20.08.2025, Annexure P3. No independent witness has been joined at the time of recovery. Challan has been presented on 26.04.2022, charges have been framed on 19.02.2023 and 4 PWs, out of 14 PWs, remain to be examined. He is involved in one more case under NDPS Act, wherein he was convicted in the year 2016 and his sentence stands suspended.

Reliance is placed on the judgment passed by Hon'ble The Supreme Court

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titled as **Maulana Mohd. Amir Rashadi vs. State of U.P. and others**, 2012(2) SCC 382.

3. The custody certificate dated 17.03.2026, filed by the learned State counsel is taken on record. As per the same, the petitioner is behind bars for 2 years, 7 months and 16 days.

4. Learned State counsel opposes the bail on the ground that that the commercial quantity of contraband has been recovered from the petitioner who was apprehended along with his co-accused at the spot. However, he is unable to controvert the submission with regard to stage, co-accused having been granted bail and sentence of the petitioner being suspended in another case.

5. Heard.

6. Hon'ble The Supreme Court in the case of **Maulana Mohd. Amir Rashadi** (Supra) had held that, "As observed by the High Court, merely on the basis of criminal antecedents, the claim of the second respondent cannot be rejected. In other words, it is the duty of the Court to find out the role of the accused in the case in which he has been charged and other circumstances such as possibility of fleeing away from the jurisdiction of the Court etc."

7. In **Sarabjeet Singh @ Sarbi vs. State of Punjab**, CRM-M718-2023, decided on 24.03.2023, **Gursant Singh @ Santu vs. State of Punjab**, CRM-M-37944-2020, decided on 07.09.2021, the recovery, as in the present case, was effected from a transparent polythene bag wherein the accused was granted bail. This Court granted bail in **Tajinder Singh vs. State of Punjab**, CRM-M-8212-2022, alleged recovery was of 270 grams of heroin and the accused was behind bars since 7 months and

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Ladwinder Singh @ Laddi vs. State of Punjab, CRM-M-44383-2022, wherein the recovery was of 2kgs. 700 grams opium and the accused remain in custody for 9 months.

8. Considering the facts and circumstances of the case, in particular that the petitioner is in custody for 2 years, 7 months and 16 days; co-accused is on bail; sentence stands suspended in another case; challan was presented on 26.04.2022, charges were framed on 19.02.2023 and out of 14 PWs, 7 have been examined and 3 given up, the trial is likely to take a considerable time, and further incarceration of the petitioner would be violative of his right enshrined under Article 21 of the Constitution of India, the present petition is allowed.

9. The petitioner is ordered to be released on regular bail, subject to furnishing bail/surety bonds to the satisfaction of trial Court/Duty Magistrate concerned, if not required in any other case and shall abide by the following conditions:-

- (i) The petitioner will not tamper with the evidence during the trial.
- (ii) The petitioner will not pressurize/ intimidate the prosecution witnesses.
- (iii) The petitioner will appear before the trial Court on each and every date fixed, unless is exempted by a specific order of Court.
- (iv) The petitioner shall not commit an offence similar to the offence of which, he is an accused, or for commission of which he is suspected of.
- (v) The petitioner shall not directly or indirectly coerce, induce, threaten 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 police officer or tamper with the evidence in any manner.
- (vi) The petitioner shall not in any manner misuse his liberty.

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- (vii) The petitioner shall furnish her address and mobile number by way of an affidavit to the trial Court and not change the same till conclusion of trial and if for any reasons, he seeks to change either of the aforesaid, it shall be done only with prior information to the learned trial Court.
- (viii) The petitioner shall not leave the country without prior permission of the trial Court.
- (ix) The trial Court/Duty Magistrate may impose any other condition, as deemed appropriate while releasing the petitioner.

10. It is made abundantly clear that in case there is any breach of the aforesaid conditions, the State shall be at liberty to seek cancellation of bail as granted to the petitioner by this order.

11. In view of the above, it is clarified that the observations made herein above are limited for the purpose of present proceedings and would not be construed as any opinion on the merits of the case and the trial would proceed independently of the aforesaid observations.

18.03.2026

ashok

(AMAN CHAUDHARY)
JUDGE

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