

2026:PHHC:047757



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

139

CRM-M-68470-2025
Date of Decision: 25.03.2026

KULWANT SINGH @ KANTA

... Petitioner

VERSUS

STATE OF PUNJAB

... Respondent

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

Present: Mr. Jashandeep Singh Sandhu, 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.26 dated 05.08.2023 under Sections 21(C) and 29 of the NDPS Act, 1985 (Sections 23 and 27 of the NDPS Act and Section 25 of the Arms Act added later on) registered at Police Station SSOC Fazilka, District Fazilka.

2. The case of the prosecution is that from co-accused namely Jaggu Gill @ Gagan and Veer Singh @ Veeru, 41.8 Kgs of heroin alongwith three pistols of 9 mm, 8 magazines, 100 live cartridges and .30 bore rifle were recovered and they were arrested in the present case. The petitioner herein has been nominated on the basis of disclosure statements made by the said co-accused persons.

3. Learned Counsel for the petitioner contends that the allegations against the petitioner are false and the petitioner has been falsely implicated in the present case. He further submits that nothing has been recovered from the petitioner and apart from the disclosure statement of the co-accused, there is no other incriminating material to connect the petitioner with the alleged recovery. It is further contended that other co-accused persons namely Ravinder Singh @ Gulli and Balwinder Singh @ Vindi, who were similarly placed with the petitioner herein,

have already been granted bail by this High Court. He further submits that the petitioner is in custody for the last 02 years, 07 months and 10 days and out of 28 witnesses, 19 witnesses are yet to be examined. As such, the trial of the case will take a long time to conclude. He further submits that the petitioner is not involved in any other criminal case.

4. Learned State Counsel, on the other hand, 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. The petitioner does not deserve the concession of bail. Hence, he prays for dismissal of the present petition. Custody certificate produced by the State Counsel is taken on record.

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 last 02 years, 07 months and 10 days coupled with the fact that the trial of the case is likely take a long time to conclude as well as the fact that nothing has been recovered from or at the instance of 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 25, 2026.

Rajender

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

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