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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-69760-2025
Decided on : 17.02.2026

DAVINDER SINGH ALIAS KALU
.....Petitioner
Versus
STATE OF PUNJAB
.....Respondent

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Ms. Parul Saini, Advocate, for
Mr. Ankush Rampal, Advocate,
for the petitioner.

Mr. Jasdeep Singh, Addl. AG, Punjab.

SANJAY VASHISTH, J.

1. The instant petition has been filed under Section 483 of BNSS, 2023 (earlier Section 439 Cr.P.C.), for grant of regular bail to the petitioner, during the pendency of trial, who has been booked in a criminal case arising out of First Information Report, as detailed hereunder:-

Name of Petitioner(s)	FIR No.	Date	Section(s)	Police Station	District
Davinder Singh @ Kalu, aged about 28 years	49	09.03.2025	22(c), 27 of NDPS Act	Lambi	Sri Muktsar Sahib

2. Learned counsel for the petitioner contends that as per case of the prosecution, accused persons namely Amandeep Singh @ Labhu, Jagmeet Singh @ Jugnu and Davinder Singh @ Kalu (petitioner herein), were apprehended by the members of the police team when all of them were together. From joint possession of them, 25 loose intoxicating



tablets were recovered, in which salt 'Etizolam' weighing 4.90 grams has been detected as per FSL report.

3. Learned counsel for the petitioner argues that although, the quantity recovered is commercial in nature but from the contents of the FIR, it does not become clear that as to who was holding the transparent polythene bag out of three of the accused. Thus, the case built up is of joint possession, without specifying the actual possessee of the tablets. Moreover, nothing substantial has been recovered from the possession of either of the accused persons and since, joint recovery is shown without any specification, it will be heavily upon the prosecution to prove the element of conscious possession beyond doubt.

4. Learned counsel for the petitioner argues that, petitioner is in custody since 09.03.2025, i.e. for a period of about 11 months. After completion of investigation, *challan* has been submitted on 13.08.2025 and now the case is fixed for consideration of the charges. Since, the recovery attributed to accused persons including the petitioner herein falls within the notified commercial quantity under the NDPS Act, and trial is progressing at a slow pace, keeping the petitioner detained for an indefinite period would serve no useful purpose.

Lastly, it is submitted that similarly situated co-accused namely Amandeep Singh @ Labbu and Jagmeet Singh @ Jugnu, have already been granted the concession of regular bail by this Court, vide common order dated 03.11.2025 passed in CRM-M-36230-2025 and CRM-M-36684-2025 (Annexure P-2). Hence, learned counsel prays for



the grant of concession of regular bail to the petitioner in the present case.

5. On advance notice and in response to the arguments addressed by learned counsel for the petitioner, learned State counsel, produces the custody certificate dated 13.02.2026 in Court today, which is taken on record. Office to tag the same at appropriate place. A copy thereof has been handed over to the counsel for the petitioner.

As per the custody certificate, in the present case, petitioner has already undergone 11 months and 02 days period inside jail.

6. While opposing the prayer for bail, learned State counsel submits that, in view of the recovery of commercial quantity of narcotic contraband, petitioner does not deserve to the concession of bail, without first establishing his innocence. Furthermore, as per status report dated 07.02.2026, which is already on record of the present case, as well as from the custody certificate, petitioner is involved in two more criminal cases.

It is an admitted position that petitioner has remained in custody for a period of 11 months and 02 days in the present case. Investigation was completed on 18.06.2025, and *challan* was duly submitted on 13.08.2025. However, till date, no prosecution witness has been examined, and trial now stands adjourned to 20.02.2026. Other factual assertions, addressed by learned counsel for the petitioner, have also not been disputed by learned State counsel.

7. Having heard learned counsel for the parties and perused the record, it is noticed that the recovery effected from the accused persons,



including the petitioner, falls within the notified commercial quantity under the NDPS Act, 1985. Petitioner has already undergone incarceration for a period of more than eleven months. Investigation stands concluded, *challan* has been presented, and trial is evidently progressing at a slow pace, and its conclusion is not in the near sight.

8. This Court is conscious of the rigours of Section 37 of the NDPS Act; however, it cannot be ignored that recovery was allegedly effected from a transparent polythene bag stated to be in the joint possession of the petitioner and other co-accused persons, without any clear specification as to actual possession. Whether the petitioner was in conscious possession of the contraband would remain a moot question to be determined at the stage of trial. Moreover, there is nothing on record to suggest that petitioner has attempted to tamper with evidence or influenced the witnesses.

In the given circumstances, further incarceration of the petitioner for an indefinite period is not warranted. This Court is inclined to extend him an opportunity to reform and rehabilitate himself in society, instead of keeping him behind bars for an extended duration during trial. Moreover, similarly situated co-accused namely Amandeep Singh @ Labbu and Jagmeet Singh @ Jugnu have already been granted the concession of regular bail by this Court.

9. Accordingly, while keeping in view the period of custody already undergone, age and antecedents of the petitioner, stage of proceedings, and the slow pace of trial, this Court is satisfied that the rigours of Section 37 of the NDPS Act stand satisfied to a limited extent



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for the purpose of considering bail. Therefore, this Court deems it appropriate to grant the concession of regular bail to the petitioner in the present case.

Consequently, prayer made in the present petition is **allowed**.

Petitioner is ordered to be released on bail, subject to his furnishing bail/surety bonds to the satisfaction of the learned trial Court/ Chief Judicial Magistrate/ Illaqa Magistrate/ Duty Magistrate concerned, if not required in any other case.

10. Needless to observe that the petitioner shall not extend any threat and shall not influence any prosecution witness in any manner directly or indirectly.

11. Any of the discussion done and recorded here above, shall not be construed as an expression of opinion on the facts of the case. Therefore, trial Court is expected to decide the case by taking an independent view, on the basis of evidence available on record, as expeditiously as possible, in accordance with law.

12. It is further made clear that if, in future, petitioner is directly found indulged in similar kind of activities, this order shall be deemed to be cancelled.

13. Petition stands disposed of.

(SANJAY VASHISTH)
JUDGE

17.02.2026
Lavisha

Whether Speaking/Reasoned: YES/NO
Whether Reportable: YES/NO