

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

CRM-M-70632-2025

Date of decision: 09.02.2026

NIRMAL SINGH ALIAS JUDGE

....Petitioner

Versus

STATE OF PUNJAB

....Respondent

CORAM:- HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present:- Mr. Prateek Pandit, Advocate for the petitioner.

Ms. Aiman J. Chisti, AAG Punjab.

.....
RUPINDERJIT CHAHAL, J. (ORAL)

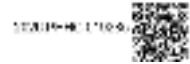
1. Prayer in the instant petition filed under Section 483 of BNSS, 2023 is for grant of regular bail to the petitioner in case FIR No.29 dated 13.03.2025 registered under Sections 21(b), 21(c), 25, 29, 27-A of the Narcotic Drugs and Psychotropic Substances Act, 1985 (Sections 25, 27-A of the NDPS Act deleted and Section 21(c) of NDPS Act added later on) at Police Station Jhabal, District Tarn Taran.

2. Brief facts of the present case as per the prosecution are that on 13.03.2025, ASI Jatinder Singh, along with his fellow police officials was on a patrolling duty and acting upon suspicion stopped a vehicle. The police party apprehended the petitioner and the co-accused Sikander Singh. Thereafter, upon search of the vehicle, Heroin weighing 20 grams was recovered. Hence, the present FIR.

3. Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case and he has no concern with the said offence. He further contends that mandatory provisions of the NDPS Act

4. Learned State counsel has filed the custody certificate which is taken on record. Status report has already been filed and relying upon the same she has vehemently opposed the prayer for grant of bail by submitting that the offence committed by the petitioner is serious in nature and he was apprehended at the spot with the alleged contraband. She further submits that pursuant to the disclosure statement of co-accused Sikander Singh, 281 grams of Heroin was recovered from the motorcycle which was brought by the petitioner. However, she has not controverted the fact that the petitioner is first time offender as he is not involved in any other case.

presented; charges have been framed; out of 13 prosecution witnesses none



has been examined; has clean antecedents and the fact that trial may take a long time to conclude, no useful purpose would be served by detaining him in further custody. Keeping the petitioner in further detention without the prospect of the trial being concluded in the near future would be violative of his rights under Article 21 of the Constitution of India.

6. Reliance is placed upon a judgment in the case of ***Dataram Singh vs. State of Uttar Pradesh & Anr. 2018(2) R.C.R. (Criminal) 131***, wherein Hon'ble Apex Court has held that keeping somebody behind the bars, till his guilt is proved, for an indefinite period amounts to infringement of her right to life and liberty, as enshrined under Article 21 of Constitution of India and is against the principle "*bail is a rule*" and "*jail is an exception*".

7. Moreover, prolonged detention of the petitioner, without any likelihood of the trial being concluded in the near future, would amount to a violation of his fundamental rights guaranteed under Article 21 of the Constitution of India.

8. In view of the above, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate/CJM concerned. It is clarified that nothing stated herein shall be construed as an expression of opinion on the merits of the case.

(RUPINDERJIT CHAHAL)
JUDGE

09.02.2026

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- i) Whether speaking/reasoned?
- ii) Whether reportable?

Yes/No
Yes/No