



**In the High Court for the States of Punjab and Haryana at
Chandigarh**

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CRM-M-71151-2025 (O&M)
Date of Decision:- 11.02.2026

Karandeep Singh @ Mota ... Petitioner
Versus
State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE SUBHAS MEHLA

Present:- Mr. Rishu Mahajan, Advocate for the petitioner.
Mr. Anup Singh, AAG, Punjab.

SUBHAS MEHLA, J. (Oral)

CRM-5621-2026

In view of the reasons mentioned in the application, the same is allowed and the hearing of the main petition is preponed from 18.03.2026 and the same is taken on Board today itself.

CRM-M-71151-2025

1. By way of the present petition, the petitioner is seeking regular bail in FIR No.8 dated 21.01.2025, registered under Sections 21/29 of Narcotic Drugs and Psychotropic Substances Act, 1985, at Police Station Sadar Moga, District Moga.
2. Learned counsel for the petitioner contended that the petitioner has been falsely implicated in the present case, as no recovery has been effected from him. He was nominated on the basis of the disclosure statement of co-accused, which is inadmissible in evidence. There is no material on



record to corroborate or substantiate the allegations against him. It is further submitted that a co-accused, namely Amritpal Singh @ Bobby, has already been granted regular bail by this Court vide order dated 24.09.2025 passed in CRM-M-52994-2025. The said co-accused has undergone custody of only eight months, whereas the present petitioner has been in custody for more than one year. Learned counsel placed reliance upon **Tofan Singh Vs. State of Tamil Nadu, 2020 INSC 620** Hence, prayed for concession of bail to the petitioner as trial will take sufficient time to conclude.

3. Learned State counsel opposed the prayer made by learned counsel for the petitioner by submitting that the petitioner is involved in two more cases of similar nature. Custody certificate of petitioner filed by learned State counsel in Court, is taken on record. As per custody certificate, the petitioner has been behind bars since 01.02.2025 i.e. for the last about 01 year and 09 days.

4. Heard.

5. Keeping in view the facts and circumstances of the case, particularly, that nothing has been recovered from the possession of the present petitioner and that, as per the prosecution case, the petitioner was nominated solely on the basis of disclosure statement, which is inadmissible evidence; other than disclosure statement, there is no other evidence against the present petitioner; petitioner has been in custody for the last about 01 year and 09 days; co-accused, namely Amritpal Singh @ Bobby has already been released on regular bail by this Court; the trial is likely to take considerable time to conclude, and no fruitful purpose would be served by keeping him in custody for any further period, as concession of bail cannot be denied just as



a measure of punishment and it is a trite principle of criminal jurisprudence that bail is rule, jail is an exception, this Court deems it a fit case to grant the concession of regular bail to the petitioner.

6. Although the NDPS Act prescribes stringent conditions for the grant of bail, however, every statute is required to operate in confirmity with the fundamental principles enshrined in the Constitution of India. Hence, notwithstanding the rigours of NDPS Act, the fundamental right guaranteed under Article 21 cannot be rendered illusory and must be duly balanced.

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 bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate concerned.

11.02.2026
Geeta

(SUBHAS MEHLA)
JUDGE

Whether speaking /reasoned	Yes / No
Whether Reportable	Yes / No