IN THE PUNJAB AND HARYANA HIGH COURT AT CHANDIGARH

254 CRM-M-71286-2025

Date of Decision: 15.01.2026

Khushkaran Singh @ Khushi

... Petitioner

VERSUS

State of Punjab ... Respondent

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

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Present: Mr. Vivek Singla, Advocate
for the petitioner.

Mr. P. S. Pandher, AAG., Punjab.

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H.S. GREWAL, J. (ORAL)

1. This petition has been filed under Section 483 Bharatiya Nagrik Suraksha Sanhita, 2023 seeking regular bail for the petitioner in case FIR No.0083 dated 21.09.2025 under Sections 21, 22 of NDPS Act, 1985 (Section 29 of NDPS Act as added later of) registered at Police Station City Bhadaur, District Barnala.

2. The case of the prosecution is that Kuldeep Singh @ Mali & Jagsir Singh @ Jagga were apprehended with 46 loose tablets and 113.80 grams intoxicating substance which turned out to be 9 grams of etizolam tablets which falls under commercial quantity.

3. Learned counsel for the petitioner submits that the petitioner was not apprehended at the spot and he was named by the co-accused in his disclosure statement. As per the disclosure statement

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the petitioner was supplier of the contraband, however, no recovery has been effected from the present petitioner. He further submits that the petitioner is not involved in any other case. Moreover, the petitioner has already undergone a custody of 03 months and 04 days. The trial is yet to commence.

4. Notice of motion.

5. Mr. P. S. Pandher, AAG., Punjab accepts notice and vehemently opposes the petition for grant of bail on the ground that there is an active role of the petitioner in the commission of the offence in question. Hence, he prays for dismissal of the present petition. Custody certificate filed by the State Counsel is taken on record. As per the said certificate, the petitioner has already undergone a period of 03 months and 04 days.

6. I have heard the learned counsel for the parties and perused the record.

7. Keeping in view the facts and circumstances of the case and taking into consideration that the petitioner is in custody for the last 03 months and 04 days and that the trial against the petitioner will take a long time to conclude, this Court is of the opinion that the petitioner deserves the concession of regular bail. Moreover, bail is rule and jail is exception. Since the continuous incarceration of the petitioner would not serve the ends of justice, this Court deems it fit to grant the concession of regular bail to the petitioner during the pendency of the trial.

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8. 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.

9. It is clarified that if while on bail so granted through the instant order, the petitioner is found indulged in any other criminal case/activity, it shall be open to the State to seek cancellation of his bail.

10. Nothing discussed hereinabove shall be construed as an expression of opinion on the merits of the case.

(H.S. GREWAL)

JANUARY 15, 2026. **JUDGE**

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

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