

CRM-M-72079-2025 (O&M)
CRM-M-11004-2026 (O&M)
CRM-M-17206-2026 (O&M)

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119 IN THE HIGH COURT OF PUNJAB AND HARYANA
218 AT CHANDIGARH

2026 PHHC 052980



Date of Decision: 07.04.2026

1. CRM-M-72079-2025 (O&M)
SUNIL ALIAS DARCHI ... PETITIONER
VERSUS
UNION TERRITORY, CHANDIGARH ... RESPONDENT
2. CRM-M-11004-2026 (O&M)
SALMAN ... PETITIONER
VERSUS
UNION TERRITORY, CHANDIGARH ... RESPONDENT
3. CRM-M-17206-2026 (O&M)
ASHWANI KUMAR ... PETITIONER
VERSUS
UNION TERRITORY, CHANDIGARH ... RESPONDENT

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

Present:- Mr. Parminder Singh Sekhon, Sr. Advocate with
Ms. Nitika Sekhon, Advocate;
Mr. Zorawar S. Chauhan, Advocate
for the petitioner in CRM-M-72079-2025.

Mr. Vivek Kathuria, Advocate
for the petitioner(s) in CRM-M-11004-2026 and
CRM-M-17206-2026.

Mr. Manish Bansal, Addl. P.P. U.T. Chandigarh assisted by
Ms. Sarasmi Budhiraja, Advocate and
Mr. Dixit Bhardwaj, Advocate.

H.S. GREWAL, J. (ORAL)

1. By this common order all the petitions mentioned above are being disposed of as common FIR is involved in these petitions.
2. The petitioners are seeking regular bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita (BNSS) in FIR No.23 dated 07.11.2025, under Sections 21, 22 and 29 of NDPS Act registered at Police Station Crime,

Sector 11, Union Territory, Chandigarh.

3. The case of the prosecution is that on the basis of secret information, petitioner-Ashwani Kumar was apprehended and 47.80 gms of heroin was recovered from him, who disclosed that he had procured the intoxicating substance from Sonu @ Kallu. Thereafter, on the subsequent disclosure statements, petitioner-Salman @ Munnu and petitioner-Sunil @ Darchi were apprehended and from Salman @ Munnu 16.90 gms of heroin and from petitioner-Sunil @ Darchi 21.45 gms of heroin was recovered.

4. Learned counsel for the petitioners submit that the petitioners are innocent and have been implicated falsely in the present case. Petitioners are in custody for the last more than 04 months. They, thus pray for grant of regular bail to the petitioners.

5. Per contra, learned State counsel has vehemently opposed the prayer for grant of regular bail to the petitioners on the ground of gravity of allegations and has filed the status report by way of affidavit of Lakshay Pandey, DANIPS, DSP Crime, UT Chandigarh and custody certificates in Court, which are taken on record. He further submits that as per the custody certificates, petitioners are in custody for the last more than 04 months and they are also involved in other cases under the provisions of NDPS Act.

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

8. After hearing the rival contentions of the learned counsel for the parties and keeping in view the facts and circumstances of the case that petitioners are in custody for the last more than 04 months; although they are involved in other cases under the provisions of NDPS Act but those cases

pertain only to recovery of contraband of small quantities; challan has been

presented and trial is yet to commence and continuous detention of the petitioners would not serve the ends of justice, this Court deems it fit to grant the concession of regular bail to the petitioners during the pendency of the trial.

9. Reference can be made to the judgment of the Hon’ble Supreme Court in the case of *Pardeep Kumar @ Banu versus State of Punjab*, bearing Criminal Appeal No.1341/2026 (arising out of SLP(Cri.) No.18775/2025), decided on 13.03.2026, wherein it has been categorically held that where the accused has remained in custody for a considerable period and the trial has not even commenced, or is not likely to conclude in the near future, therefore, continued incarceration would amount to punishment without trial. In such circumstances, further detention pending trial is not necessary and the accused is entitled to be released on bail.

10. Therefore, without expressing any opinion on the merits of the case, the instant petitions are allowed. The petitioners are ordered to be released on regular bail on their furnishing requisite bail bonds, surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate concerned.

11. It is clarified that while on bail so granted through the instant order the petitioners are found indulging in any other criminal case, it shall be open to the State to seek cancellation of their bail.

(H.S.GREWAL)
JUDGE

07.04.2026

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