



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

CRM-M-73770-2025

Date of decision: 04.02.2026

SUKHDEV SINGH SUKHA

....Petitioner

Versus

STATE OF PUNJAB

....Respondents

CORAM:- HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present:- Ms. Komalpreet Kaur, Advocate for the petitioner.

Mr. Amritpal Singh Gill, DAG Punjab.

.....

RUPINDERJIT CHAHAL, J. (ORAL)

1. Prayer in the instant petition filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 is for grant of regular bail to the petitioner in case FIR No.275 dated 23.10.2025 registered under Sections 21, 27(a), 61, 85 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (Section 29 of the NDPS Act added later on) at Police Station Jandiala Guru, District Amritsar.

2. Brief facts of the present case as per the prosecution are that on 23.10.2025, ASI Rajinderpal, along with his fellow police officials was on a patrolling duty and on suspicion, apprehended the petitioner, who was found in conscious possession of 10 grams of Heroin and Rs.500/- drug money. 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 were not complied with at the time of alleged search and seizure. He

argued that recovery of alleged contraband has already been effected from



the petitioner and nothing more is to be recovered from him. He submits that the alleged recovery of contraband falls under non-commercial quantity. The petitioner is in custody since 23.10.2025. The investigation in the case is complete, however, challan has not yet been presented. He further submits that the trial will take a long time to conclude and no useful purpose would be served by keeping him behind the bars. Therefore, it is urged that the petition deserves to be allowed.

4. Notice of motion.

5. Learned State counsel, who has appeared on advance notice of the petition, has filed the custody certificate of the petitioner, which is taken on record. He has vehemently opposed the prayer for grant of bail by submitting that the offence committed by the petitioner is serious in nature. He has further submitted that the petitioner is involved multiple other cases meaning thereby he is a habitual offender.

6. Having heard learned counsel for the parties at length and after perusing the record of the case, it is evident that the petitioner is in custody for the last more than 03 months, investigation is complete; challan is yet to be presented and the fact that trial may take a long time to conclude, no useful purpose would be served by detaining him in further custody. His continued 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.

7. 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



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*”.

8. As regards the submission of learned State counsel that petitioner is involved in other/one more criminal case(s), reference is placed upon the judgment of the Hon'ble Supreme Court in ***Maulana Mohd. Amir Rashadi Vs. State of U.P. and another, 2012 (2) SCC 382*** in which, it is held that the facts and circumstances of the present case are to be seen while deciding a bail application and the bail application of the petitioner cannot be rejected solely on the ground that the petitioner is involved in other/another case(s). The relevant portion of the said judgment is reproduced herein-below:-

"As observed by the High Court, merely on the basis of criminal antecedents, the claim of the second respondent cannot be rejected. In other words, it is the duty of the Court to find out the role of the accused in the case in which he has been charged and other circumstances such as possibility of fleeing away from the jurisdiction of the Court etc."

9. 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

04.02.2026
puneet

PUNEET SHARMA
2026.02.06 13.26
I attest to the accuracy and
authenticity of this order/judgment

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

Yes/No
Yes/No