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

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Date of Decision: 04.09.2025

Baldev Singh

...Petitioner

Versus

State of Punjab

...Respondent

**CORAM: HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL**

Present: Mr. Rajesh Kapila, Advocate for the petitioner.

Mr. Amit Shukla, AAG, Punjab.

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**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.202 dated 10.07.2025 registered under Sections 21 and 27-A of the Narcotic Drugs and Psychotropic Substances Act, 1985, at Police Station Civil Lines Batala, District Batala.

2. Brief facts of the present case are that as per the prosecution, on 10.07.2025, ASI Baldev Raj, along with his fellow police officials was on patrolling duty and on suspicion, apprehended the petitioner, who was found in conscious possession of 7.22 grams of heroin along with cash amount of Rs.1,000/-.

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. It has also



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been contended that recovery of small amount of Rs.1,000/- cannot be treated as drug money. The petitioner is in custody since 10.07.2025. 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, filed the custody certificate of the petitioner, which is taken on record. He has vehemently opposed the prayer for bail by submitting that the offence committed by the petitioner is serious in nature. He has further submitted that the petitioner was apprehended at the spot with the alleged contraband along with drug money of Rs.1,000/-. He has further submitted that the petitioner is also involved in two other cases meaning thereby he is an 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 since 10.07.2025, and the 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.

7. This Court is sanguine of the fact that according to the proposition settled by the Apex Court in ***Dataram Singh vs. State of Uttar Pradesh & Anr. 2018(2) R.C.R. (Criminal) 131***, that keeping somebody behind the bars, till his guilt is proved, for an indefinite period amounts to



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infringement of his 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

04.09.2025

D.Bansal

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