



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

**CRM-M-48573-2025
Date of decision: 29.09.2025**

BALWANT SINGH

...PETITIONER

V/S

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE SUBHAS MEHLA

Present: Mr. Preetwinder Singh Dhaliwal, Advocate
for the petitioner.

Mr. Nitesh Sharma, DAG, Punjab.

SUBHAS MEHLA, J. (ORAL)

1. By way of the present petition, the petitioner is seeking regular bail in FIR No.42 dated 26.06.2025 under Sections 22, 29/61/85 of Narcotic Drugs and Psychotropic Substances Act, 1985 registered at Police Station Tallewal, District Barnala (Annexure P-1).

2. Learned counsel for the petitioner contended that nothing has been recovered from the possession of the present petitioner; he was nominated only on the basis of disclosure statement of co-accused, namely, Kulwinder Singh; as per the allegations of the prosecution, 50 loose tablets containing salt Tramadol were recovered from the petitioner, which comes under the category of intermediate quantity i.e. non-commercial quantity; investigation has already been completed; challan has been filed and charges have also been framed; trial will take sufficient time to conclude; except the present case, the petitioner is not involved in any other criminal activity. As such, learned counsel prayed for grant of regular bail to the petitioner.



3. Notice of motion.

4. Mr. Nitesh Sharma, DAG, Punjab, accepted notice on behalf of the respondent-State and produced status report dated 27.09.2025, which is taken on record. Learned State counsel opposed the prayer of the petitioner and submitted that the petitioner has actively participated in the commission of offence. However, learned State counsel admitted the fact that the petitioner is not involved in any other criminal activity and is first time offender and the fact that contraband recovered from him comes under the category of non-commercial quantity.

6. Keeping in view the facts and circumstances of the case and the fact that investigation has already been completed; present petitioner is in custody since 09.07.2025 i.e. for the last more than 02 months; the contraband allegedly recovered from the petitioner comes under the category of non-commercial quantity; the petitioner is first time offender as he is not involved in any other case; trial will take sufficient 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 measure of punishment and it is 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.

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.



8. Nothing observed hereinabove shall be construed to be expression of an opinion by this Court on merits of the case. The learned Court below is directed to proceed with the matter on its own merits, lest it may prejudice the trial.

September 29, 2025
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(SUBHAS MEHLA)
JUDGE

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| (i) | Whether speaking/reasoned | Yes/No |
| (ii) | Whether reportable | Yes/No |