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

**CRM-M-4255-2026 (O&M)
Date of decision: 14.05.2026**

MANISH

....Petitioner

Versus

STATE OF PUNJAB

....Respondent

CORAM:- HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present:- Ms. Komal Thakur, Advocate for the petitioner.
(through V.C.)

Mr. Amritpal Singh Gill, DAG Punjab.

.....

RUPINDERJIT CHAHAL, J. (ORAL)

1. Prayer in the instant petition filed under Section 483 of BNSS, 2023 is for grant of regular bail to the petitioner in case FIR No.159 dated 16.08.2021 registered under Sections 22, 61, 85 of the Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station Dasuya, District Hoshiarpur.

2. Brief facts of the present case as per the prosecution are that on 16.08.2021, police party was on a patrolling duty and on the basis of suspicion apprehended the petitioner. On search, the petitioner was found in conscious possession of 90 intoxicant tablets. 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 petitioner was granted concession of interim bail by the learned Trial Court vide order dated 04.10.2021 till the outcome of the FSL report and was regularly appearing before the learned Trial Court. However, he could not appear on 18.01.2024 due to the reason that his parents got him admitted to a de-addiction centre and as a result of which, bail bonds/surety bonds were cancelled and forfeited to the State and due to his continued absence before the learned Trial Court, the petitioner was declared as proclaimed offender vide order dated 17.01.2025. Accordingly, the petitioner was arrested on 16.06.2025. He submits that his absence was unintentional. He further contends that as per the FSL report, the recovered quantity is non-commercial in nature. The petitioner is in custody since 16.06.2025. The investigation in the case is complete, challan stands presented, charges have been framed and out of 09 prosecution witnesses 05 have been examined. 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. It is urged that the petition deserves to be allowed.

4. Learned State counsel 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 and he was apprehended at the spot with the alleged contraband. He has further submitted that the petitioner had willfully absented himself before the learned Trial Court. He has further submitted



that the petitioner is involved in multiple cases, meaning thereby he is a habitual offender.

5. 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 10 months; recovered contraband falls under non-commercial quantity; investigation is complete; challan stands presented; charges have been framed; out of 09 prosecution witnesses, 05 have been examined and the fact that 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.

6. 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 bars, till his guilt is proved, for an indefinite period amounts to 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*".

7. Moreover, prolonged detention of the petitioner, without any likelihood of the trial being concluded in the near future, would amount to a violation of their fundamental rights guaranteed under Article 21 of the Constitution of India.

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.

14.05.2026

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

(RUPINDERJIT CHAHAL)
JUDGE

Yes/No
Yes/No