



CRM-M-12690-2026

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

Sr. No.212

**CRM-M-12690-2026
Date of Decision: 15.05.2026**

DAVINDER SINGH @ POKI

...Petitioner

Versus

STATE OF PUNJAB

....Respondent

CORAM: HON'BLE MS. JUSTICE MANDEEP PANNU

Present:- Mr. Japjit Singh Johal, Advocate
for the petitioner.

Mr. Hardeep Hans, AAG, Punjab.

MANDEEP PANNU, J. (Oral)

1. This is the first petition under Section 439 Cr.P.C. (483 of the BNSS, 2023) for grant of Regular Bail to the Petitioner in case FIR No. 45 dated 20.03.2025, under Sections 22 of the NDPS Act 1985 registered at Police Station, Sadar Hoshiarpur, District Hoshiarpur. Upon completion of investigation, the final report under Section 193 BNSS has been presented for offences punishable under Sections 22 and 29 of the NDPS Act, 1985, as well as Section 25 of the Arms Act, 1959. Charges have accordingly been framed against the petitioner under Sections 22 and 29 of the NDPS Act, 1985 and Section 25 of the Arms Act, 1959.

2. Brief facts of the present case are that ASI Madan Singh of CIA Staff Hoshiarpur, along with other police officials, was on patrol duty at Adda Chagra when a reliable informer reported that Davinder Singh alias Poki of village Nangal Shaheedan was selling intoxicating tablets from his house. Acting on the information, a raiding party reached his residence. The



suspect was seen trying to flee and threw a black plastic polythene from his pocket, which was immediately recovered by the police. He was identified and informed about the allegation. He was also apprised of his legal right under Section 50 NDPS Act to be searched before a Magistrate or Gazetted Officer, but he consented to a search by the police. The search led to the recovery of 920 orange-coloured intoxicating tablets. The tablets were seized, sealed with official seal “MS,” and taken into police possession after completing legal formalities and documentation. A ruqa was sent to Police Station Sadar Hoshiarpur for registration of an FIR under Sections 22/61/85 of the NDPS Act, and further investigation was initiated.

3. Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. It has been further contended that nothing has been recovered from the conscious possession of the petitioner. Learned counsel submits that the petitioner is in custody since 20.03.2025. It has been further contended that challan stands presented in Court, charges have already been framed and out of total 13 prosecution witnesses, only one witness has been examined so far, meaning thereby, the conclusion of the trial will take considerable time. Learned counsel for the petitioner has placed reliance upon an order dated 25.01.2024 passed by co-ordinate Bench of this Court in ***CRM-M-64821-2023 titled as Davinder Singh @ Baba Vs. State of Punjab decided on 25.01.2024*** wherein recovery of 110 grams of Alprazolam was effected from the petitioner and regular bail was granted after considering the custody period of approximately 07 months. Counsel has further placed reliance upon the order dated 11.09.2023 passed in ***CRM-M-29764-2023 titled as Sandeep***



Gupta Vs. State of Haryana, decided on 11.09.2023 wherein recovery of 106 grams of Alprazolam was effected from the petitioner and regular bail was granted after considering the custody period of approximately 06 months.

4. On the other hand, learned State counsel has produced the custody certificate of the petitioner today in Court, which is taken on record. Learned State counsel has opposed the prayer for bail on the ground that a commercial quantity of contraband, namely 920 intoxicating tablets containing 102 grams of Alprazolam, along with two .32 bore country-made pistols and two live .32 bore cartridges, was recovered from the possession of the present petitioner. It is, therefore, contended that the petitioner does not deserve the concession of regular bail. It is further submitted that the petitioner is a habitual offender, being involved in three other criminal cases also.

5. I have heard learned counsel for the parties and have gone through the record.

6. In the instant case, the recovery is of 102 grams of Alprazolam which is marginally above the commercial quantity of 100 grams. It is not disputed that out of total 13 prosecution witnesses, only one witness has been examined till date, meaning thereby the conclusion of the trial will take considerable time. Admittedly, the petitioner is in custody for the last 01 year, 01 month and 22 days.

7. In both ***Davinder Singh's case (supra)*** as well as ***Sandeep Gupta's case (supra)*** where the recovery from the accused was marginally above the commercial quantity for the respective contraband in each case,



the Court granted bail to the accused therein after custody period of 7 months and 6 months, respectively.

8. Reliance can also be placed upon the judgment of the Hon'ble Apex Court rendered in "***Dataram versus State of Uttar Pradesh and another***", ***2018(2) R.C.R. (Criminal) 131***, wherein it has been 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 the Constitution of India and is against the principle "*bail is a rule*" and "*jail is an exception*".

9. As regards the submission of learned State counsel that petitioner is involved in other criminal cases, 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 cases. The relevant portion of the said judgment is reproduced hereinbelow:-

"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."

10. In view of the above and without commenting upon the merits of the case, this Court is of the view that no useful purpose would be served by keeping the petitioner behind bars for an indefinite period.



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11. Accordingly, the present petition is allowed and the petitioner is ordered to be released on regular bail, subject to his furnishing adequate bail and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate concerned.

12. However, it is made clear that any observation made hereinabove shall not be construed as an expression of opinion on the merits of the case.

13. All pending miscellaneous application(s), if any, shall also stand disposed of.

(MANDEEP PANNU)
JUDGE

15.05.2026

Anu

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