



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

Sr.No.251

**CRM-M-15267-2026
Decided on : 21.04.2026**

Sukhwant Singh alias Bhinda

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present : Mr. Kushager Goyal, Advocate
for the petitioner.

Ms. A.K.Mahir, AAG, 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.170 dated 13.09.2025, registered under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (Section 27 and 29 of the NDPS Act added lateron), at Police Station Sardulgarh, District Mansa.

2. Brief facts, as per the prosecution case, are that on 13.09.2025, ASI Amrik Singh along with his fellow police officials was on patrolling duty and on the basis of suspicion, apprehended the petitioner and one co-accused Amritpal Singh, who were found in conscious possession of 20 intoxicant tablets (Etizolam). Hence, the present FIR.



3. Learned counsel for the petitioner contends that the petitioner is innocent and has been falsely implicated in the present case. He further contends that the allegations levelled against the petitioner are false and he has no concern with the said offence. Learned counsel contends that mandatory provisions of the NDPS Act were not complied with at the time of alleged search and seizure. He further contends that the recovery of alleged contraband has already been effected from the petitioner as well as co-accused and nothing more is to be recovered from the petitioner. The petitioner is in custody since 13.09.2025 and he has clean hands. Further, co-accused Amritpal Singh alias Bachi alias Kaka was prescribed the tablets of Etizolam for his personal use who has already been granted the concession of regular bail by a Coordinate Bench of this Court vide order dated 05.12.2025, passed in CRM-M-64362-2025. The investigation in the case is complete, challan stands presented; charges have also been framed and out of 13 prosecution witnesses, none has been examined till date. He further submits that the trial will take a long time to conclude and no useful purpose would be served by keeping the petitioner behind bars. Therefore, it is urged that the petition deserves to be allowed.

4. On the other hand, learned State counsel has filed the custody certificate of the petitioner, which is taken on record. Status report has already been filed. 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 recovery of alleged contraband, which falls under the commercial quantity. However, he has not controverted the fact that the petitioner is the first time offender as he is not involved in any other case.



5. Having heard learned counsel for the parties at length and after perusing the record of the case it transpires that the recovered contraband was analyzed by the FSL and it was found to be containing the salt – Etizolam. While deciding a regular bail petition in a case involving 7.2g of Etizolam, a Co-ordinate bench of this Court in ***Baljit Singh @ Mintu @ Baljit Gill vs. State of Punjab in CRM-M-15588 of 2024*** decided on 30.08.2024, has opined as follows:

“26. Even in the present case, the quantity of a manufactured drug i.e. Etizolam tablets and it is not a hard drug like heroin, charas, opium or other synthetic drugs, thus petitioner is entitled to bail given the ratio of Chitra Basu’s case(supra).”

6. Adverting to the facts of the present case, it is evident that the petitioner is in custody for the last more than 07 months and 05 days; co-accused has already been granted the concession of regular bail; investigation is complete; challan stands presented, charges have also been framed; out of 13 prosecution witnesses, none has been examined till date; 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 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. 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 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. 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.

21.04.2026

mamta

**(RUPINDERJIT CHAHAL)
JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No