CNR No: PHHC011350682026
2026:PHHC:128155



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

**231** **CRM-M-45517-2026**
**Date of decision : 10.09.2026**

**CHAMKOUR SINGH ALIAS SUNNY**

... PETITIONER

Versus

**STATE OF PUNJAB**

.. RESPONDENT

**CORAM : HON'BLE MR. JUSTICE H.S.GREWAL**

Present:- Mr. P.S. Sekhon, Senior Advocate with
Ms. Sweedel Goyal, Advocate and
Mr. Gagandeep Singh Gill, Advocate for the petitioner.

Mr. Subhash Godara, Addl. A.G., Punjab.

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**H.S. Grewal, J.(Oral)**

1. The present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (erstwhile Section 439 Cr.P.C.) seeking regular bail to the petitioner in case FIR No. 607 dated 27.12.2025, registered under Sections 21, 22 and 25 of NDPS Act, [during the course of investigation, offence under Sections 21, 22 and 25 of NDPS Act was deleted and Sections 21-C and 29 of the NDPS Act and Section 238 of BNS, 2023 (corresponding to Section 201 IPC) were added], at Police Station Goindwal Sahib, District Tarn Taran.

2. The case of the prosecution is that on 27.12.2025, SI/SHO Raj Kumar, along with other police officials were on patrolling duty and they received a secret information to the effect that the petitioner, who was lodged

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in jail in another case, was allegedly using a mobile phone from inside the jail to remain in contact with drug smugglers and was getting heroin/narcotic substance stored in his residential house and a substantial quantity of heroin could be recovered from the said house. On the basis of the said information, the police party headed by the DSP, Sub-Division Goindwal Sahib, raided the house of the petitioner and upon search, 919 grams of heroin was recovered from his house.

3. Learned Senior counsel for the petitioner, however, submits that the petitioner has been falsely implicated in the present case and no contraband was ever recovered from his conscious possession. It is submitted that since on the date of the alleged recovery, the petitioner was already lodged in jail in another case for the last 02 years and 06 months, the alleged recovery from the residential premises, in his absence, cannot establish his connection with the recovered contraband. It is further submitted that the mandatory safeguards contemplated under the NDPS Act were not duly complied with no independent public witness was associated with the search and recovery proceedings. It is also submitted that the provisions of Sections 41(2) and 42 of the NDPS Act were not complied with in their proper form. According to the petitioner, although the police claim to have received secret information, the said information was neither reduced into writing nor forwarded to the superior officer in the manner required by law. Learned Senior counsel also submits that the petitioner is in custody for the last more than 08 months and 06 days. He, therefore, prays for release of the petitioner on regular bail as the trial is

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likely to take a long time as only 01 out of 19 cited prosecution witnesses has been examined so far.

4. Learned State counsel vehemently opposes the prayer for grant of regular bail to the petitioner. He has filed custody certificate of the petitioner in Court, which is taken on record. As per the custody certificate, the petitioner is in custody for the last more than 08 months and 06 days and only 01 out of 19 cited prosecution witnesses has been examined so far.

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

6. In view of the above submissions of learned counsel for the parties and keeping in view the facts that the petitioner is in custody for the last more than 08 months and 06 days, the question of conscious possession and the petitioner's connection with the alleged recovery is yet to be examined during the course of trial, none of the independent witness has been joined by the police party and that the trial is likely to take a long time to conclude as only 01 out of 19 cited prosecution witnesses has been examined so far, therefore, this Court deems it appropriate to grant the concession of regular bail to the petitioner during the pendency of the trial as the continuous detention of the petitioner would not serve the ends of justice.

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 bail bonds, surety bonds to the satisfaction of the learned trial Court/Duty Magistrate/Chief Judicial Magistrate concerned.

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8. However, it is made clear that in case the petitioner misuses the concession of bail, the State would be at liberty to seek cancellation of his bail.

**(H.S.GREWAL)**
**JUDGE**

**10.09.2026**
**Sonia**

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

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