



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

(232)

CRM-M-24088-2026 (O&M)

Date of decision : 10.07.2026

SARWAN SINGH @ SAMMA

... Petitioner

Versus**STATE OF PUNJAB**

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Harpal Singh Sidhu, Advocate for the petitioner

Ms. Sakshi Bakshi, AAG, Punjab

MANISHA BATRA, J. (ORAL)

1. The instant petition has been filed by the petitioner under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short "BNSS") for grant of regular bail in case arising out of FIR No.47 dated 17.04.2024 registered under Sections 21, 27A and 29 of Narcotic Drugs and Psychotropic Substances Act (for short "NDPS Act") and Section 201 of IPC at Police Station Sujampur, District Pathankot.

2. As per the allegations, on 17.04.2024, while performing patrolling duty, the police officials stopped an Innova car. One of the occupants of the vehicle threw a plastic envelope out of the vehicle. Both the occupants were apprehended. On conducting search, it was found that the envelope so thrown, was containing a sum of Rs.5 lakhs. Apart from that, 15 grams of heroin was found kept separately in a polythene envelope which was recovered from the conscious possession of both of them. On asking they disclosed their names as

2026:PHHC:093892



Gurjant Singh @ Ravi and Simranjit Singh @ Nikka. They were formally arrested. The recovered contraband and money was taken into possession. On interrogation, they suffered disclosure statements admitting involvement in the crime. Recovery of 8.304 KGs of heroin was subsequently effected at the instance of the co-accused Gurjant Singh @ Ravi and Simranjit Singh @ Nikka on 20.04.2024 from an Innova vehicle. Recovered contraband had been taken into possession. On the basis of their disclosure statements, accused Harpal Singh @ Bittu and Jaspreet Singh were nominated as additional accused as they were alleged to be involved in smuggling of heroin.

3. As per the further allegations, on 27.04.2024, accused Gurjant Singh @ Ravi suffered another disclosure statement to the effect that on asking of accused Harpal Singh @ Bittu, he had gone to co-accused Simranjit Singh, who further disclosed that the present petitioner had reached there in his Verna Car and had handed over a bag containing Rs.24 lakhs for bringing heroin from Srinagar and that previously also the petitioner had given an amount of Rs.5 lakhs to them and they had delivered 5 Kg of heroin. The petitioner was nominated as an accused. He was apprehended on 30.04.2024. He too suffered disclosure statement admitting his involvement in the crime. On his disclosure, drug money of Rs.5 lakh had been recovered from his car which was taken into custody. Some other persons were nominated as an accused. Investigation now stands completed.

4. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. He was not named in the FIR and has been



nominated on the basis of disclosure statement of co-accused which cannot be considered to be admissible in evidence. False recovery of cash amount of Rs.5 lakhs has been planted upon him. He is in custody since long. There are no chances of conclusion of trial in the near future as only 03 out of 30 prosecution witnesses have been examined so far. He is not involved in any other case of similar nature. His involvement in other cases cannot be considered to be a reason for denying benefit of bail to him. He is ready to abide by the terms and conditions to be imposed upon him. The co-accused have already been extended benefit of bail. On parity, he too deserves to be extended the same benefit. It is, therefore, argued that the petition deserve to be allowed.

5. Per contra, learned State counsel while relying upon the status report has argued that keeping in view the gravity of the allegations as levelled against the petitioner and his antecedents, he does not deserve to be released on bail. There are chances of his absconding or committing similar offences, if extended benefit of bail. It is, therefore, argued that the petition does not deserve to be allowed.

6. This Court has heard the rival submissions made by learned counsel for the parties at considerable length.

7. The petitioner is alleged to be indulged in the business of transporting of contraband from Srinagar to Punjab. Recovery of Rs.5 lakhs as drug money has been stated to be effected from him. The allegations prima facie make out his complicity in the crime, however, he is in custody for over a period of 02 years and 02 months. There are no chances of conclusion of trial in



the near future. It is well settled proposition of law that grant of bail on account of delay in trial and long period of incarceration is to be considered in the light of Section 37 of the NDPS Act. Reliance in this regard can be placed upon the observations made by Hon'ble Apex Court in *Mohd. Muslim @ Hussain v. State (NCT of Delhi)*, 2023 SCC OnLine SC 352, wherein it was held that grant of bail on account of undue delay in trial cannot be said to be fettered under Section 37 of the NDPS Act, given the imperative of Section 436-A of Cr.P.C. which is applicable to offence under the Act. It was also observed that jails are overcrowded and their living conditions are, more often than not, appalling. The danger of unjustified imprisonment is that inmates are more likely to be hardened rather than reformed. Reliance can also be placed upon *Manmandal and Another v. State of West Bengal, Special Leave Petition (Criminal) No.8656 of 2023 decided on 14.09.2023* and *Rabi Prakash v. State of Odisha, 2023 LiveLaw (SC) 533*, wherein the Hon'ble Supreme Court had extended benefit of bail to the accused who had been incarcerated for a long period by observing that prolonged incarceration militated against the most precious fundamental right guaranteed under Article 21 of the Constitution and in such a situation, the constitutional principles must override the statutory embargo contained under Section 37 of the NDPS Act.

8. Reliance can also be placed upon *Santosh Pawar Vs. State of Chhattishgarh & Anr., Criminal Appeal No.4883/2025*, wherein it was observed by Hon'ble Supreme Court observing that rigors of Section 37 of NDPS Act will not be a bar for considering the case of an accused for bail as it comes with a condition that the prosecution would press for an early completion



of trial. In the above-mentioned case, the Hon'ble Supreme Court held that appellant who was being prosecuted for being in possession of commercial quantity of narcotic substance, was entitled for bail in view of her incarceration for a period of 19 months.

9. Similarly in case of ***Satender Kumar Antil v. Central Bureau of Investigation, (2022) 10 SCC 51*** prolonged incarceration and inordinate delay engaged the attention of the Hon'ble Supreme Court, which considered the correct approach towards bail, with respect to several enactments, including Section 37 NDPS Act. The court expressed the opinion that Section 436A (which requires inter alia the accused to be enlarged on bail if the trial is not concluded within specified periods) of the Criminal Procedure Code, 1973 would apply.

10. In the case of ***Ismail Khan @ Pathan vs. State of Rajasthan Criminal Appeal No.4911 of 2025*** with regard to recovery of commercial quantity of narcotic substance, the Hon'ble Supreme Court accorded the benefit of bail to the accused in view of prolonged incarceration for a period of 02 years and 08 months of the accused.

11. Similar benefit has been extended in ***SLP No.15699-2025 titled as Ebrahim @ Ibrahim SK vs. The State of West Bengal*** and in the case of ***Pamesh Arora vs. UT Chandigarh, Criminal Appeal No.4872 of 2025***.

12. On analyzing the peculiar facts and circumstances of the present case in the light of the aforementioned principles of law, it transpires that the

2026:PHHC:093892



petitioner has suffered prolonged incarceration for a period of over 02 years and 02 months. The trial is not likely to be concluded in near future as only 03 out of 30 prosecution witnesses have been examined so far. The continued detention of the petitioner is not likely to serve any fruitful purpose. There is nothing on record to show that if released on bail, the petitioner will not participate in the trial or will abscond.

13. In view of the above discussion, this Court is of the opinion that a case is made out for grant of bail to the petitioner at this stage. Accordingly, the petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing personal as well as surety bonds to the satisfaction of the learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

14. It is made clear that any observation made herein above is only for the purpose of deciding the present petition and the same shall have no bearing on the merits of the case.

15. Since the main petition has been allowed, pending application, if any, is rendered infructuous.

(MANISHA BATRA)
JUDGE

10.07.2026*Amit Sharma***Whether speaking/reasoned:- Yes/No****Whether reportable:- Yes/No**