



CRM-M-4975-2025

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212 (02 cases)

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Date of Decision: 25.08.2025

1 . CRM-M-4975-2025

SATINDERPAL SINGH ALIAS SHINDA

... PETITIONER

VERSUS

STATE OF PUNJAB

....RESPONDENT

2. CRM-M-4976-2025

SUKHMANJIT SINGH

... PETITIONER

VERSUS

STATE OF PUNJAB

....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SUBHAS MEHLA

Present: Mr. Veneet Sharma, Advocate
for the petitioner in CRM-M-4975-2025

Mr. Rishu Mahajan, Advocate
for the petitioner in CRM-M-4976-2025

Mr. Sandeep Kumar, Deputy Advocate General, Punjab.

SUBHAS MEHLA, J. (ORAL)

By this common order, this Court shall dispose of both the
above mentioned cases since the both arise out of the same FIR.

1. The petitioners are seeking regular bail in FIR No. 266 dated



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19.10.2022, under Section 21-C of the NDPS Act, 1985 at Police Station Special Task Force(STF), District STF Wing (SAS Nagar, Mohali).

2. Learned counsel for the petitioners contended that the petitioners are in custody since 19.10.2022 and have been falsely implicated in the present case. There is no other case pending against the petitioners and out of total 14 prosecution witnesses only seven have been examined till date and the trial will take time to conclude. The prolonged incarceration without trial violates the petitioners' Fundamental Right under Article 21 of the Constitution of India. The petitioners undertake to abide by all conditions imposed by this Hon'ble Court and assures that they will not tamper with evidence, influence witnesses, or abscond during trial.

3. Learned State counsel, appearing on advance notice, vehemently opposes the prayer for grant of regular bail to the petitioners and submits that this is their third bail petition and in case the petitioners are granted the concession of regular bail, they will misuse the same. He has filed their custody certificate, which is taken on record. However, he does not dispute the fact that no other case is pending against both the petitioners.

4. Heard.

5. The Co-ordinate Bench of this Court in **CRM-M-41422-2025** decided on **06.08.2025** titled as **Varinder Singh alias Vinda v. State of Punjab** granted bail to the petitioner while referring to the judgment passed by the Supreme Court in **Nitish Adhikary @ Bapan v. The State of West Bengal SLP (Crl) Nos. 5769/2022** decided on **01.08.2022**, wherein the Supreme Court has observed as under:

“As per the office report dated 29.07.2022, copy of



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the show cause notice along with Special Leave Petition was supplied to the Standing Counsel for the State of West Bengal and separate notice has been served on the State also. However, no one has entered appearance on their behalf.

The petitioner seeks enlargement on bail in F.I.R. No. 612 of 2020 dated 17.10.2020 filed under Section 21(c) and 37 of the NDPS 2 Act, registered at Police Station Bongaon, West Bengal.

During the course of the hearing, we are informed that the petitioner has undergone custody for a period of 01 year and 07 months as on 09.06.2022. The trial is at a preliminary stage, as only one witness has been examined. The petitioner does not have any criminal antecedents.

Taking into consideration the period of sentence undergone by the petitioner and all the attending circumstances but without expressing any views in the merits of the case, we are inclined to grant bail to the petitioner.

The petitioner is accordingly, directed to be released on bail subject to him furnishing bail bonds to the satisfaction of the Trial Court.

The Special Leave Petition is disposed of on the aforestated terms.

Pending application(s), if any, shall stand disposed of.”

6. In view of above and keeping in view the submissions made by learned counsel for the petitioners and the facts that the petitioners are in custody for more than 02 years 09 months and they are first-time offenders with no other case pending against them and out of total 14 prosecution witnesses only 07 have been examined, the trial will take sufficient time to conclude. In this situation, it is clear that the rigors of Section 37 of the

NDPS Act can be diluted to an extent in view of the salutary provisions of Article 21 of the Constitution of India which provides for the right to a speedy trial and the case of the petitioner can be considered for grant of bail.

7. Therefore, without expressing any opinion on the merits of the case, both the petitions are allowed. The petitioners are ordered to be released on regular bail on their furnishing requisite bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate concerned.

8. However, it is made clear that in case the petitioners miss any date of hearing without making any application seeking exemption from their personal appearance before the learned trial Court or delay the trial, the bail granted to them shall stand cancelled.

25.08.2025

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Whether speaking/reasoned

Whether reportable

Yes/No

Yes/No

(SUBHAS MEHLA)

JUDGE