



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

250

CRM-M-10949-2025

Date of decision: 04.03.2025

Prabhjit Singh @ Prabh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

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

Mr. Navdeep Singh, DAG, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner in the instant (third) petition is seeking the concession of bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in case FIR No.97 dated 21.08.2022 under Section 21 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, 'the NDPS Act') registered at Police Station Navi Baradari, District Jalandhar.

2. Learned counsel for the petitioner submits that the petitioner has been in custody since 21.08.2022 in an apparent case of false implication; the petitioner was intercepted on suspicion and thereafter a recovery of 255 grams of heroin planted upon him. Learned counsel has submitted that the petitioner has no previous criminal antecedents which further lends credence to his false implication in the present case.

3. Learned counsel has further contended that even though



CRM-M-10949-2025

challan was presented way back on 15.02.2023 and charges framed on 03.04.2023, only 01 prosecution witness out of the 12 cited, has been examined hence, the petitioner be admitted to bail as it amounts to compromising with his constitutional right to speedy and fair trial. In support, learned counsel has placed reliance upon ***Rabi Prakash Vs. The State of Odisha : 2023 LiveLaw (SC) 533*** and ***Dheeraj Kumar Shukla Vs. State of Uttar Pradesh [SLP(Crl.) No.6690/2022]***, wherein Hon'ble the Apex Court in almost identical circumstances had extended the concession of bail to the accused on account of inordinate delay in the conclusion of the trial even though the recovery effected had been classified as 'commercial' in the said cases; Hon'ble the Apex Court had dispensed with the conditions of Section 37 of the NDPS Act in the said cases.

4. Per contra, learned State counsel while opposing the prayer made by learned counsel for the petitioner, on instructions, has not disputed the custody period of the petitioner, however, it has been asserted on instructions, that out of the 12 witnesses cited, 01 stands examined and 04 given up which leaves 07 witnesses to be examined. Learned State counsel has not disputed that the charges were framed on 03.04.2023. On a pointed query, learned State counsel, on instructions, has also not disputed that the petitioner has no previous criminal antecedents.

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

6. The petitioner has been in custody for more than 02 years

**CRM-M-10949-2025**

having been arrested on 21.08.2022; he is not stated to be involved in any other criminal case, much less under the NDPS Act. There is no likelihood of the trial concluding in the near future as 07 prosecution witnesses still remain to be examined. Hon'ble the Apex Court in ***Rabi Prakash's case (supra)*** and ***Dheeraj Kumar Shukla's case (supra)*** in almost identical circumstances had dispensed with the conditions of Section 37 of the NDPS Act and granted the concession of bail to the accused therein even though the recovery effected had been classified as 'commercial'. In the facts and circumstances as enumerated hereinabove, this Court deems it fit to extend the concession of bail to the petitioner.

7. Accordingly, the instant petition is allowed. The petitioner be admitted to bail on his furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

8. Needless to add, in case the petitioner misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of the same.

04.03.2025

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**(MANJARI NEHRU KAUL)
JUDGE**

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