

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

2025:PHHC:175820



216

CRM-M-12410-2025 (O&M)
Date of decision:19.12.2025

Surinder Singh @ Shinda

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. J.S. Dhaliwal, Advocate for the petitioner.

Ms. Sakshi Bakshi, AAG, Punjab.

...

Manisha Batra, J. (Oral).

1. Though, the instant one is mentioned to be the 4th petition for grant of regular bail as filed by the petitioner in case arising out of FIR No.158, dated 14.06.2023, registered under Sections 15(c), 29 of the NDPS Act and Sections 25(6), 25(7) of the Arms Act (offences under Sections 307, 323, 186, 332, 353 IPC were added lateron), at Police Station Phillaur, District Jalandhar Rural, however, on a perusal of record, it is revealed that two applications seeking regular bail as previously filed by the petitioner had been dismissed as withdrawn whereas the 3rd petition was for grant of interim regular bail, which had been dismissed.

2. The aforementioned FIR was registered on the allegations that on 14.06.2023, accused Daljeet Singh @ Jeeta and Parminder Singh @ Pinder were found in conscious possession of 2520 kgs of poppy husk which was kept in a truck. On interrogation, accused Daljeet Singh @ Jeeta

suffered a disclosure statement to the effect that the recovered contraband was brought by him in the truck on asking of the present petitioner, who had given an amount of Rs.50,000/- to him. He also disclosed that accused Balbir Singh @ Bittu, Mangal Singh, Shinderpal @ Bangali and Billu @ Naresh Kumar had taken assignment of poppy husk from the petitioner on previous occasion. The petitioner along with above named persons was nominated as co-accused. On 24.06.2023, on receipt of a tip-off, a raid was conducted and the petitioner was tried to be apprehended. He managed to escape but one person accompanying him, tried to run over a police official with a tractor, at the instance of the petitioner and a separate FIR was registered against him. He was arrested in this case on 14.10.2023 and at that time also, he fired two shots with pistol on police officials with intent to kill them. One kilogram of heroin, one pistol along with five live cartridges and drug money of Rs.28 lakhs were recovered from him. Offences under Sections 186, 323, 332, 353 and 307 IPC, Section 21-C of the NDPS Act and Sections 25(6)(7) of the Arms Act were added. Investigation now stands concluded.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case on the basis of disclosure statement of co-accused, which cannot be considered to be admissible in evidence. He is in custody for a period of over two years. A false recovery has been planted upon him. The trial will take considerable time to conclude as only 03 out of 37 prosecution witnesses have been examined so far. His continued detention would not serve any useful purpose. Co-accused Daljeet Singh @ Jeeta and Parminder Singh @ Pinda have been extended benefit of bail. On

parity, he too deserves to be extended the same benefit. It is, therefore, urged that the petition deserves to be allowed.

4. Per contra, learned State counsel has argued that there are serious allegations against the petitioner. He is a man of criminal antecedents as 01 case under the provisions of the NDPS Act and 01 case under Section 307 IPC etc. is pending against him. Commercial quantity of contraband was recovered at his instance. The rigors of Section 37 of the NDPS Act are attracted in this case. The petitioner committed serious offences by making an attempt to kill the police official when he was being apprehended. His case cannot be considered to be at parity with the co-accused, who have been extended benefit of bail. There are chances of the petitioner's committing similar offences, if extended benefit of bail. It is, thus, argued that the petitioner is not entitled to be granted the benefit of bail.

5. I have heard rival submissions made by learned counsel for the parties.

6. The petitioner is alleged to have been involved in the trade of sale/purchase of contraband. As alleged, he had to take consignment of 2520 kgs of poppy husk from the co-accused Daljeet Singh @ Jeeta and Parminder Singh @ Pinder on 14.06.2023 and had given money to them for the same. He is also alleged to have been found in conscious possession of 1 kg of heroin i.e. commercial quantity of contraband apart from cash amount of Rs.19.50 lakh. It is a matter of evidence as to whether the recovered money was drug money or not? The petitioner is in custody for about over 02 years. Only 03 out of 37 witnesses have been examined so far and it is,

therefore, obvious that the trial will take considerable time to conclude. Rigors of Section 37 of the NDPS Act are prima facie attracted in this case. However, the question of grant of bail of the petitioner on account of delay in trial 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 Rabdi Prakash v. State of Odisha, 2023 SCC Online SC 110***, 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.

7. Reliance can also be placed upon ***Santosh Pawar Vs. State of Chhattishgarh & Anr., Criminal Appeal No.4883/2025***, which is a recently pronounced verdict of Hon'ble Supreme Court observing that rigours 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 of India 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.

8. Similarly in another case i.e. in the 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 of India, who 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.

9. 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 of India 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.

10. Similar benefit has been extended in another appeal i.e. ***SLP No.15699-2025 titled as Ebrahim @ Ibrahim SK vs. The State of West Bengal*** and in the case of ***Pamash Arora vs. UT Chandigarh Criminal Appeal No.4872 of 2025***.

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

petitioner has suffered prolonged incarceration for a period over 02 years, the trial is not likely to be concluded in near future as only 03 out of 37 witnesses has been examined; 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.

12. 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 on his furnishing personal as well as surety bonds to the satisfaction of the learned trial Court, and subject to the condition that he shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case. He shall appear before the learned trial Court on each and every date of hearing except when his presence has been exempted by the trial Court. He shall surrender his passport, if any, furnish details of his cell phone and Aadhaar card, and shall not change his mobile number(s) during the pendency of the trial.

13. It is clarified that the observations made above shall not be construed as an expression of opinion of this Court on the merits of the case and shall not influence the outcome of the trial in any manner.

19.12.2025

harjeet

(MANISHA BATRA)
JUDGE

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