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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

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CRM-M No.13498 of 2025
Date of decision: 31.10.2025

Shaganpreet Singh ... Petitioner

Vs.

State of Punjab ... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Sumeet Singh Brar, Advocate,
for the petitioner.

Ms. Sakshi Bakshi, AAG, Punjab,
for the respondent-State.

MANISHA BATRA, J. (Oral)

1. The present petition has been filed by the petitioner under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (For short “BNSS”) seeking regular bail in the FIR mentioned below:-

FIR No.	Dated	Police Station	Sections
96	23.06.2024	Lambi, District Sri Muktsar Sahib, Punjab	22(c) of Narcotic Drugs and Psychotropic Substances Act, 1985 (for short ‘NDPS Act’)

2. As per the allegations, on 23.06.2024, the petitioner along with the co-accused Premdeep Singh and Jagmeet Singh was found searching

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a white coloured polythene bag while being present in the middle of a canal bridge in the area of Village Panjawa. On the basis of suspicion, they were apprehended. On conducting search, 40 tablets of Etizolam were recovered from the polythene bag which was taken into custody. The petitioner and co-accused were formally arrested. Investigation now stands completed and the petitioner along with the co-accused is facing trial for commission of aforementioned offences.

3. It is argued by learned counsel for the petitioner that he is in custody since 23.06.2024. The mandatory provisions of NDPS Act have not been complied with. The case of prosecution suffers from inherent defects. Only 01 out of 16 witnesses has been examined. There are no chances of expeditious disposal of the case and trial will take considerable time. Liability of delay cannot be fastened upon the petitioner. He has no concern with the co-accused. A false recovery has been planted. With these broad submissions, it is urged that the petition deserves to be allowed.

4. Learned Assistant Advocate General, Punjab has opposed the petition by submitting that there are serious and specific allegations against the petitioner. The rigors of Section 37 of NDPS Act are attracted in this case and, therefore, it is urged that he does not deserve to be released on bail.

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5. This Court has considered the rival submissions.
6. The petitioner was arrested in this case on 23.06.2024. Only 01 witness has been examined till date out of 16 witnesses. Therefore, there are no chances of conclusion of the trial in near future. It is well settled proposition of law that where the trial has failed to conclude within a reasonable time, resulting in prolonged incarceration, it militates against the precious fundamental right of life and liberty guaranteed under the law and as such conditional liberty overriding the statutory embargo created under Section 37 of NDPS Act ought to be considered as per facts of a given case. Reference in this regard can be had to the observations made by Hon'ble Apex Court to ***Ankur Chaudhary vs. State of Madhya Pradesh, 2024 (4) RCR (Criminal) 172*** and by this Court in ***Kulwinder v. State of Punjab, 2025:PHHC:002695***, wherein it was observed that right to a speedy and expeditious trial is a vital safeguard to prevent undue and oppressive incarceration to mitigate anxiety and concern accompanying the accusation as well as to curtail any impairment in the ability of an accused to defend himself. It was also observed that grant of bail in a case pertaining to commercial quantity on the ground of undue delay in trial, cannot be said to be fettered by Section 37 of NDPS Act. In view of the above, this Court is of the considered opinion that further detention of the petitioner is not

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warranted in the peculiar facts and circumstances of the case. As such, the petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing personal/surety bonds to the satisfaction of the learned trial Court/Chief Judicial Magistrate/ Duty Magistrate concerned.

The petitioner shall, however, abide by the following conditions:-

- (i) The petitioner shall not misuse the liberty as granted.
- (ii) He will not tamper with evidence.
- (iii) He will not absent himself on any date before the trial Court unless his presence has been exempted by securing appropriate orders.
- (iv) He will not commit any offence while on bail.
- (v) He shall surrender his passport, if any, with the trial Court.
- (vi) He will also give the details of his cell phone number to the Investigation Officer/SHO of concerned Police Station and shall not change the same during the trial without prior permission of the trial Court.

7. In case of breach of any of the aforementioned conditions and those which may be imposed by the trial Court or upon showing any other sufficient cause, the State shall be at liberty to move application for cancellation of bail of the petitioner.

8. It is, however, clarified that the observations made hereinabove

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shall not be construed as an expression of opinion on the merits of the case and shall not influence the outcome of the trial.

31.10.2025	(MANISHA BATRA)
manju	JUDGE
Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No