

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-23121-2025
Reserved on: 01.08.2025
Pronounced on: 27.08.2025

Balwinder Singh @ Nikka ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. P.S. Sekhon, Advocate
for the petitioner.

Mr. Jasdev Singh Thind, D.A.G., Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
72	23.05.2020	Mehal Kalan, District Barnala	21/22/25/29 of NDPS Act and 476, 468, 471, 120-B IPC

1. The petitioner incarcerated in the FIR captioned above had come up before this Court under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking regular bail.

2. Per paragraph 8 of the reply, the petitioner has the following criminal antecedents:

Sr. No.	FIR No.	Date	Offenses	Police Station
1.	21	07.03.2017	323, 341, 506, 148, 149 IPC	Tallewal
2.	209	25.08.2019	61/1/14 of Excise Act	City Rajpura
3.	390	09.09.2020	52A of Prison Act	City Barnala

3. The facts and allegations are taken from the reply filed by the State. On 23.05.2020, based on prior information, the Police seized 2500 tablets of Clovidol-100 SR tablets from the possession of petitioner and co-accused. The Investigator claims to have complied with all the statutory requirements of the NDPS Act, 1985, and CrPC, 1973.

4. The petitioner's counsel seeks bail on the grounds of prolonged pretrial custody.

5. The petitioner's counsel prays for bail by imposing any stringent conditions and contends that further pre-trial incarceration would cause an irreversible injustice to the petitioner and their family.

6. The petitioner's counsel submits that the petitioner would have no objection whatsoever to any stringent conditions that this Court may impose, including that if the petitioner repeats the offense or commits any non-bailable offense which provides for a sentence of imprisonment for more than seven years, or commits any offence under the NDPS Act, where the quantity involved is more than half of the intermediate, or commercial quantity, or violates S. 19, or 24, or 27-A of the NDPS Act, the State may file an application to revoke this bail before the concerned Court having jurisdiction over this FIR, which shall have the authority to cancel this bail, and may do so at their discretion, to which the petitioner shall have no objection.

7. The State's counsel opposes the bail and handed over copy of an order dated 13.08.2025 passed by the Supreme Court of India in SLP(s) No.8239 of 2025, which reads as follows:-

“Heard learned counsel for the parties and perused the material placed on record. We are not inclined to grant bail to the petitioner. The special leave petition is accordingly dismissed. However, considering the fact that the petitioner has been in custody for more than five years and the trial has not concluded, although, substantial number of witnesses have been examined, we direct the trial court to conclude the trial within a period of one year from today. Learned counsel for the State of Punjab, pointed out that for the last six dates, one of the co-accused (Krishan Arora), who had been granted bail on medical grounds by the High Court, has not been appearing before the trial court, as such, no further witness could be examined and the status as it existed prior to 28.05.2025 has remained as it is. We, therefore, direct that the State of Punjab may take appropriate steps for seeking cancellation of bail granted to such accused, who is trying to delay the trial and in case such an application is filed, the same would be entertained on its own merits by the concerned court. It goes without saying that the defence will extend all cooperation during the trial and in the event the trial is not concluded within the aforesaid period, for no fault attributable to the petitioner, it would be open for the petitioner to apply for bail afresh. Pending applications shall stand disposed of.”

8. The Hon'ble Supreme Court passed the above referred order in the bail petition of co-accused and directed the trial Court to conclude the trial within one year. Allegations of delay in trial against the co-accused, who are on interim bail and if petitioner is also released on bail, he may also use tactics to delay the trial. As such, in view of the order of Hon'ble Supreme Court, petitioner who is similar to co-accused, is not entitled to bail.

9. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.

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10. Petition dismissed. Liberty reserved to the petitioner to file fresh after one year i.e. after 12.08.2026, if trial is not conclude till that date. All pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

27.08.2025
Jyoti Sharma

Whether speaking/reasoned : Yes
Whether reportable : No.