



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

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**CRM-M No.26948 of 2025
Date of decision : 2.9.2025**

Sahil Mehra**.....Petitioner****Versus****State of Punjab****.....Respondent****CORAM: HON'BLE MR. JUSTICE SUMEET GOEL**

Present: Mr. Ravi Malhotra, Advocate, for the petitioner

Mr. Jaypreet Singh, DAG, Punjab

SUMEET GOEL, J. (ORAL)

1. Present petition has been filed under Section 439 of Cr.P.C./483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') for grant of regular bail to the petitioner in case FIR No.45 dated 12.3.2022, under Sections 21, 21-C, 29, 61 and 85 of the Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station STF, SAS Nagar (Mohali).
2. The case set up in the FIR in question (as set out in the present petition by the petitioner) is as follows:-

'Copy of Ruka, SHO Police Station STF Phase-4, Mohali, District SAS Nagar. Jai Hind. Today 1 Inspector alongwith SI Gurcharan Singh No.1880/Ldh, Sukhdev Singh No.2402/Ldh, ASI Gulshan Kumar No.51/03-IRB, ASI Makhan Singh No.2171/Ldh., Lady C-2 Sandeep Kaur No. 1147/Lah and Constable Dharamvir Singh No.1291/Ldh., on government vehicle ie. Belora Camp bearing registration No.PB-10-GK-6045, whose



driver is ASI Paramjit Singh No.462/Ldh. were present on road leading towards Village Gill from Ludhiana near Nankana Public School, Gill, Police Station Dehlon. Ludhiana. The time will be around 5.00 PM. Special informer came to me and informed me that Deepak Kumar @ Deepu son of Sh. Bhupinder Singh, resident of Mohalla Janta Colony, Police Station Dehlon, Ludhiana having hair cut aged about 30 years. Lovepreet Singh @ Love son of Sh.Gurmail singh resident of Mohalla Preet Nagar, Police Station Shimlapuri, Ludhiana having hair cut aged about 25 years. Jagjit Singh son of Sh Jaswant Singh, resident Shimlapuri, Police Station Shimlapuri, Ludhiana having hair cut, aged about 40 years and Sahil Mehta son of Jaspal Singh resident of Mohalla Rishi Colony, Near Punjabi University, Police Station Sadar, Patiala at present resident of Mohalla Janta Nagar, Village Gill, near HP Petrol Pump, Police Station Sadar, District Ludhiana having hair cut, aged about 21 years. All four are indulged in selling Herion illegally. Out of them, Deepak Kumar @ Deepu, Lovepreet Singh @ Love and Sahil Mehra above said, various other cases of murder and drug trafficking were registered against them. The said persons boarded on Chevrolet Cruz car bearing No.DL-1CN-0650 white colour will go to supply to their customers from Golden City Colony, Village Mehmedpur, Police Station Sadar Ludhiana constructed on the road leading towards Village Gill Railway Crossing towards Village Dhandra. If the house of maternal uncle of Sahil Mehta namely Jatinder Singh @ Sonu is monitored situated at Golden City Colony, Village Mehmedpur, Ludhiana, then Deepak Kumar @ Deepu, Lovepreet Singh @ Love, Jagjit singh and Sahil Mehta and Chevrolet alongwith huge quantity of Herion can be apprehended. The above said information given to me by special informer should be definite and reliable, I prepared a report under Section 42 NDPS Act regarding information of Heroin, sent to higher officials through ASI Makhan singh No.2171/Ldh at 5:15 PM. By keeping the Heroin in their possession and further selling the same to their customers have committed the offence punishable under Section 21/29 of NDPS Act by Deepak Kumar @ Deepu, Lovepreet Singh @ Love, Jagjit Singh and Sahil Mehta as above said. After being written the Ruka and after taking printout of the same, is being sent through Dharamvir Singh No.1291/Ldh to police station for registration of the case against Deepak Kumar @ Deepu, Lovepreet Singh @ Love, Jagjit Singh and Sahil Mehta as above said. Number be informed after registration of the case. Special



reports be sent to the higher officials and Illaqa Magistrate.'

3. Learned counsel for the petitioner contends that the petitioner is in custody since 12.3.2022. There is non-compliance of mandatory provisions of Section 42 of NDPS Act. No independent witness has been joined at the time of recovery. He has been falsely implicated in the present case. Charges were framed on 10.8.2022, however, only 15 out of 26 witnesses have been examined.

4. Learned State counsel opposes the bail on the ground that commercial quantity of contraband was recovered from the petitioner who was apprehended at the spot. He is however, unable to controvert the submissions made regarding the stage of the case and petitioner being not involved in any other case. Learned State counsel seeks to place on record custody certificate dated 1.9.2025 in Court, which is taken on record.

5. I have heard counsel for the parties and have gone through the available records of the case.

6. Hon'ble The Supreme Court in the case of **Dheeraj Kumar Shukla vs. The State of Uttar Pradesh**, SLP (Criminal) No.6690/2022 decided on 25.01.2023 observed that in case of long custody period, involving quantity recovered to be of commercial nature, where the trial is yet to commence, though charges had been framed, the condition of Section 37 of NDPS Act can be dispensed with. In the case of **Bhupender Singh vs. Narcotic Control Bureau** (2022) 2 RCR (CrL.) 706, the Division Bench of this Court observed with regard to achieving balance



between right to speedy trial guaranteed under Article 21 of the Constitution of India and rigors of Section 37 of NDPS Act. Similarly, in the case of **Shariful Islam @ Sarif vs. The State of West Bengal SLP** (Crl.) No.4173/2022, decided on 04.08.2022, Hon'ble The Supreme Court granted bail to the petitioner in a case of recovery of commercial quantity of contraband, considering incarceration for over 1 year and 6 months and there being no likelihood of completion of trial in the near future. In the case of **Munasi Masih vs. State of Punjab**, CRM-M-31504-2022, decided on 06.02.2023, this Court granted bail to a first offender from whom commercial quantity of contraband had been recovered and only 2 out of 13 PWs have been examined, by observing that in view of delayed trial, the rigors of Section 37 of NDPS Act can be diluted to an extent and the petitioner can be granted bail, keeping in mind the right to a speedy trial as envisaged Article 21 of the Constitution of India.

7. Considering the facts and circumstances of the case, in particular that the petitioner is in custody since 12.3.2022; charges have been framed on 10.08.2022 and out of 26 witnesses, only 15 have been examined so far; the trial is likely to take a considerable time, thus further incarceration of the petitioner would be violative of his right enshrined under Article 21 of the Constitution of India and the rigors of Section 37 of NDPS Act can be diluted bearing in mind the right to a speedy trial, thus, the present petition for grant of regular bail deserves to be allowed.

7.1 As per the said custody certificate, the petitioner is stated to be involved in one more FIR under the NDPS Act. Indubitably, the



antecedents of a person are required to be accounted for while considering a regular bail petition preferred by him. However, this factum cannot be a ground sufficient by itself, to decline the concession of regular bail to the petitioner in the FIR in question when a case is made out for grant of regular bail *qua* the FIR in question by ratiocinating upon the facts/circumstances of the said FIR. Reliance in this regard can be placed upon the judgment of the Hon'ble Supreme Court in ***Maulana Mohd. Amir Rashadi v. State of U.P. and another, 2012 (1) RCR (Criminal) 586***; a Division Bench judgment of the Hon'ble Calcutta High Court in case of ***Sridhar Das v. State, 1998 (2) RCR (Criminal) 477*** & judgments of this Court in ***CRM-M No.38822-2022*** titled as ***Akhilesh Singh v. State of Haryana***, decided on 29.11.2021, and ***Balraj v. State of Haryana, 1998 (3) RCR (Criminal) 191***.

Suffice to say, further detention of the petitioner as an undertrial is not warranted in the facts and circumstances of the case.

8. In view of above, the present petition is allowed. Petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the Ld. concerned CJM/Duty Magistrate. However, in addition to conditions that may be imposed by the concerned CJM/Duty Magistrate, the petitioner shall remain bound by the following conditions:-

- (i) The petitioner shall not mis-use the liberty granted.
- (ii) The petitioner shall not tamper with any evidence, oral or documentary, during the trial.
- (iii) The petitioner shall not absent himself on any date before



the trial.

(iv) The petitioner shall not commit any offence while on bail.

(v) The petitioner shall deposit his passport, if any, with the trial Court.

(vi) The petitioner shall give his cell-phone number to the Investigating Officer/SHO of concerned Police Station and shall not change his cell-phone number without prior permission of the trial Court/Illaqa Magistrate.

(vii) The petitioner shall not in any manner try to delay the trial.

9. In case of breach of any of the aforesaid conditions and those which may be imposed by concerned CJM/Duty Magistrate as directed hereinabove or upon showing any other sufficient cause, the State/complainant shall be at liberty to move cancellation of bail of the petitioner.

10. Ordered accordingly.

11. Nothing said hereinabove shall be construed as an expression of opinion on the merits of the case.

(SUMEET GOEL)
JUDGE

2.9.2025
Ashwani

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