

2025:PHHC:126565



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

206

CRM-M-32790-2024

Date of decision: September 15, 2025

BALJIT SINGH @ BHOLA

.....Petitioner

Versus

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. P.B.S. Goraya, Advocate
for the petitioner.

Mr. Amit Rana, Sr. DAG, Punjab.

MANJARI NEHRU KAUL, J.(ORAL)

1. The instant petition is the second petition filed under Section 439 of Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in case FIR No.236 dated 29.12.2022 under Sections 21-C, 29, 61/85 of the Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Sadar, District Tarn Taran (Annexure P-4).

2. At the very outset, learned counsel for the petitioner submits that there has been compliance of the order dated 29.08.2025, with the petitioner having surrendered back in the jail on 30.08.2025. Learned State counsel, on instructions, has not disputed the submissions made by the counsel opposite in the said regard.

3. It has also been submitted by the learned counsel for the petitioner that the petitioner was allegedly nabbed on suspicion by the police, and thereafter, a recovery of 280 grams of heroin was shown to have



been made from him. Learned counsel has vehemently argued that the petitioner's false implication in the present case finds due credence from the fact that he has no previous criminal antecedents, much less ever being involved in a case under the NDPS Act.

4. It has also been further contended by the learned counsel for the petitioner that there has been an inordinate delay in the conclusion of the trial with only four prosecution witnesses out of the 12 cited having been examined till date, even though charges were framed way back on 01.09.2023. While drawing the attention of this Court to the *zimni* orders, it has been further submitted that a perusal of the same clearly reveals that the delay in the conclusion of the trial is not attributable to the petitioner but to the prosecution as witnesses have been irregular in their appearances before the learned trial Court.

5. *Per contra*, learned State counsel, while opposing the prayer and submissions made by the counsel opposite, has not been able to controvert the submissions made by the counsel opposite with respect to the stage of trial, and also the factum of the petitioner not being responsible for the delay in the conclusion of the trial. It has also not been disputed that it is a case of chance recovery, and the petitioner is not involved in any other criminal case. However, on instructions, it has been submitted by the learned State counsel that the delay in the conclusion of the trial is on account of



co-accused Lakhwinder Singh having absconded during trial leading to him being declared a proclaimed offender.

6. On a pointed query put to the learned State counsel as to whether the petitioner had misused the concession of interim bail granted to him vide order dated 17.02.2025 passed by a Coordinate Bench of this Court, learned State counsel has replied in the negative.

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

8. The petitioner was arrested on 29.12.2022 on suspicion leading to the recovery of 280 grams of heroin. The trial is unlikely to conclude in the near future in the facts and circumstances as enumerated hereinabove. The petitioner is not stated to be involved in any other criminal case, much less under the NDPS Act. It is apparent that the petitioner's constitutional right to a speedy and fair trial has been compromised on account of reasons attributable to the prosecution and prosecution alone.

9. The Hon'ble Supreme Court in ***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]***, extended the concession of bail to an accused, who had been allegedly apprehended with contraband classified as 'commercial' under the NDPS Act only on account of his long incarceration and the delay in the trial not being attributable to him. The Hon'ble the Supreme Court in ***Dheeraj Kumar Shukla Vs. State of Uttar***



Pradesh (SLP(Crl.) No.6690/2022), decided on 25.01.2023, has observed as under:-

“.... It is true that the quantity recovered from the petitioner is commercial in nature and the provisions of Section 37 of the Act may ordinarily be attracted. However, in the absence of criminal antecedents and the fact that the petitioner is in custody for the last two and a half years, we are satisfied that the conditions of Section 37 of the Act can be dispensed with at this stage, more so when the trial is yet to commence though the charges have been framed.”

10. In view of the foregoing, this Court deems it fit to extend the concession of bail to the petitioner. Accordingly, the instant petition is allowed, and the petitioner be admitted to bail on his furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned.

11. 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.

12. Needless to add here, in case the petitioner is found misusing the concession of bail, the State would be at liberty to approach this Court to seek cancellation of bail to him.

September 15, 2025

Jaspreet Kaur

**(MANJARI NEHRU KAUL)
JUDGE**

Whether speaking/reasoned : *Yes/No*

Whether reportable : *Yes/No*