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**(216) IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

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Date of decision : 12.12.2025

DALJEET SINGH @ JEETA

... Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA (ORAL)

Present: Mr. P.S. Sekhon, Senior Advocate with
Mr. R.S. Gill, Advocate for the petitioner

Ms. Sakshi Bakshi, AAG, Punjab

MANISHA BATRA, J. (ORAL)

1. The instant petition has been filed by the petitioner under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') seeking grant of regular bail in case arising out of FIR No.158 dated 14.06.2023 registered under Section 15C and 29 of Narcotics Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS') (and Section 21-C of NDPS and Section 25(6), 25(7) of Arms Act, 1959 and Section 307, 323, 186, 332 and 353 of IPC were added later on) registered at Police Station Phillaur, Jalandhar (Rural) District Jalandhar. As per the allegations on 14.06.2023, the petitioner alongwith co-accused Parminder Singh @ Pinder was apprehended while he was

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driving a truck bearing registration No.PB-08-EC-3854 and 2520 Kgs of poppy husk was recovered from the above-said truck which was taken into possession by the police officials after following the mandatory provisions of law. The petitioner and co-accused were formally arrested. On the basis of disclosure statement suffered by the petitioner some other persons were nominated as co-accused. Investigation now stand completed and the petitioner alongwith co-accused is facing trial.

2. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. He is in custody since 14.06.2023. The trial will take considerable time to conclude, since only 03 out of 37 prosecution witnesses have been examined, so far. The co-accused Parminder Singh whose came was on similar footing, has already been extended benefit of bail by this Court. On parity, he too deserves to be extended the same benefit. The first petition filed by the petitioner was withdrawn. His continued detention would not serve any useful purpose. It is, therefore, argued that the petition deserves to be allowed.

3. Status report has been filed. Learned State counsel has argued that commercial quantity of contraband has been recovered from the conscious possession of the petitioner. The allegations against him are serious in nature. His antecedents are also not clean as he is involved in other cases. This petition is his second petition for grant of regular bail which is not maintainable. It is, therefore, argued that the petition does not deserve to be allowed.

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4. This Court has heard the rival submissions made by the learned counsel for the parties at considerable length.

5. The petitioner alongwith the co-accused allegedly found in conscious possession of 2520 Kgs of poppy husk on 14.06.2023. The allegations prima facie make out a case for commission of subject offences against him. However, he has been remained in custody since the date of registration of FIR i.e. 14.06.2023. Out of 37 prosecution witnesses only 03 prosecution witnesses have been examined, so far, and, therefore, there are no chances of conclusion of the trial in the near future. It is well settled proposition of law that grant of bail on account of delay in trial and long period of incarceration 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



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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.

6. 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 abovementioned 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.

7. 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, which 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.

8. In the case of ***Ismail Khan @ Pathan vs. State of Rajasthan***



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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.

9. The similar benefit has been taken 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 ***Pamesh Arora vs. UT Chandigarh Criminal Appeal No.4872 of 2025***.

10. 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 of 2 years and about 06 months, 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.

11. 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



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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.

12. 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.

**(MANISHA BATRA)
JUDGE**

12.12.2025	Whether speaking/reasoned:-	Yes/No
Amit Sharma	Whether reportable:-	Yes/No