

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

CRM-M-34233-2025
Date of decision: 09.07.2025

ANGREJ SINGH ALIAS RAJA

...PETITIONER

V/S

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Vikas Gupta, Advocate for the petitioner.

Mr. Rishabh Singla, AAG, Punjab.

HARPREET SINGH BRAR, J. (ORAL)

1. This is the first petition filed under Section 483 BNSS seeking regular bail in case bearing FIR No.176 dated 05.12.2023 under Sections 21-C, 29 of Narcotic Drugs and Psychotropic Substances Act, 1985 (for short "NDPS Act") registered at Police Station Sarhali, District Tarn Taran (Annexure P-1).

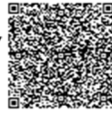
2. Brief facts of the present case are that ASI Dilbag Singh, who sent ruqa to police station Sarhali that he along with fellow police officials along with investigation kit were on patrol duty and when they reached near village Kheda road Naushera Pannua, one Innova car bearing registration No.PB-88-1871 was seen coming from village Kheda side. The police party signalled to stop the car, but the driver of the car and other persons sitting in the car tried to flee but were apprehended by the police party. On inquiry, driver of the car disclosed his name as Angrej Singh @ Raja (petitioner herein) son of Satnam Singh and other person sitting near the driver seat



disclosed his name as Daljit Singh son of Baldev Singh and the person sitting on the rear seat of the car disclosed his name as Gursewak Singh @ Sewak son of Sukhwinder Singh. I.O. disclosed his identity and served notice upon them under section 50 (1) of NDPS Act. Investigating officer told them that he has suspicion that they were having some intoxicant substance and search of the car is required to be conducted but they have legal right to be searched either from gazetted officer or magistrate. Upon which, they reposed confidence upon the gazetted officer and DSP Jaspal Singh, Sub Division, Patti was called by the investigating officer, who reached at the spot along with his staff. The I.O. tried to join the independent witness but nobody was ready to join the police party. Thereafter, on the instructions of DSP, the search of the car was carried out and from the dash board of the car heroin was recovered. On weighing it was found to be 270 grams of heroin. Drug money of Rs. 70,000/- was also recovered. The entire case property was taken into possession and thereafter the investigation was conducted. Hence, the FIR (*supra*) was registered.

3. Learned counsel for the petitioner submits that the case of the petitioner is now squarely covered by the judgment of Hon'ble Supreme Court in ***Nandlal Mondal @ Abhay Mondal Vs. The State of West Bengal SLP (Crl.) No(s).12788/2023*** as till date, out of 14 witnesses cited by the prosecution, not even a single witness has been examined.

4. Learned counsel for the petitioner *inter alia* contends that three persons were apprehended at the spot, out of them, one co-accused, namely, Gursewak Singh @ Sewak has been granted the concession of regular bail by the Co-ordinate Bench of this Court vide order dated 10.02.2025 passed in



CRM-M No.37456 of 2024 titled as **Gursewak Singh @ Sewak vs. State of Punjab** (Annexure P-2). Learned counsel submits that the petitioner has suffered the incarceration of more than 01 year and 07 months and till date, not even a single witness has been examined by the prosecution, out of total 14 witnesses.

5. Learned State counsel produces the custody certificate of the petitioner, which is taken on record and *per contra*, opposes the prayer made by the petitioner on the ground that there is sufficient material available on record to prove his complicity. Further, the petitioner is involved in one more case under the NDPS Act. However, he could not controvert the fact that co-accused, namely, Gursewak Singh @ Sewak has already been enlarged on bail by a Co-ordinate Bench of this Court.

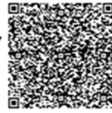
6. Having heard learned counsel for the parties and after perusing the record of the case, it transpires that the petitioner remained behind the bars for the last more than 01 year and 07 months. The final report under Section 173 Cr.P.C. was presented before the concerned Court and subsequently, charges were framed. The trial of the case has not made much progress as out of out of 14 witnesses cited by the prosecution, not even a single witness has been examined so far. The petitioner has already undergone a period of 01 year, 07 months of custody and the delay in conclusion of trial cannot be attributed him.

7. A two Judge bench of the Hon'ble Supreme Court in **Nandlal Mondal @ Abhay Mondal Vs. The State of West Bengal SLP (Crl.) No(s).12788/2023** released the accused on bail after completion of 18 months of custody on account of protracted trial in NDPS case involving commercial



quantity of contraband. Reliance in this regard can also be placed upon the judgments rendered by the Hon'ble Supreme Court passed in *Md. Aliul Islam @ Aliul Islam @ Alius Vs. The State of West Bengal SLP (Crl.) No. 000736/2024*, *Debrata Mondal Vs. State of West Bengal SLP(Crl.) No. 14970-2023*, *Santarul Islam @ Santa Vs. The State of West Bengal SLP(Crl.) No. 13169/2023*, *Indrajit Mondal @ Piglu Vs. The State of West Bengal SLP(Crl.) No. 8512/2023*, *Narjul Islam @ Najbul Hoque Vs. The State of West Bengal SLP(Crl.) No. 14172/2023*, *Subhashri Das @ Rana @ Subhoshree Vs. The State of West Bengal SLP(Crl.) No. 15284/2023*, *Mithun Sk. & Anr. Vs. The State of West Bengal SLP (Crl.) No.016598/2023*, *SK. Nasiruddin @ Nasirddin SK. Vs. State of West Bengal SLP (Crl.) No.003402/2024*, *Indadul Shah Vs. The State of West Bengal SLP(Crl.) No. 12670/2023*, *Hanef Kharsani @ Hanef Sheikh Vs. Union of India, Ripon Seikh & Ors. Vs. State of West Bengal SLP(Crl.) No. 16663/2023*, *Moidul Sarkar Vs. The State of West Bengal SLP(Crl.) No. 15668/ 2023*, *Saniya Bibi @ Soniya Bibi Vs. The State of West Bengal SLP(Crl.) No. 2354/2024*, *Saddam Hossain Vs. State of West Bengal SLP(Crl.) No. 15496/2023*, *Bijon SK @ Golam Murselim Vs. The State of West Bengal SLP (Crl.) No. 6046/2024* and *Subhas Vs. The State of West Bengal SLP(Crl.) No. 8823/2019*.

8. Further, the culpability, if any, would be determined at the time of trial and as such, no useful purpose will be served by further detention of the petitioner-accused. Keeping the petitioner in further detention without the prospect of the trial being concluded in the near future, would be violative of his rights under Article 21 of the Constitution of India.



9. A two Judge bench of the Hon'ble Supreme Court in ***Mohd. Muslim @ Hussain vs. State (NCT of Delhi) 2023 AIR SC 1648*** has held that the concept of fairness enshrined under Article 21 of the Constitution of India would trump the bar on granting bail in cases involving commercial quantity of contraband, as stipulated by Section 37 of the NDPS Act. Speaking through Justice S. Ravindra Bhat, has opined as follows:

*“20. The standard to be considered therefore, is one, where the court would look at the material in a broad manner, and reasonably see whether the accused’s guilt may be proved. The judgments of this court have, therefore, emphasized that the satisfaction which courts are expected to record, i.e., that the accused may not be guilty, is only prima facie, based on a reasonable reading, which does not call for meticulous examination of the materials collected during investigation (as held in Union of India v. Rattan Malik). **Grant of bail on ground of undue delay in trial, cannot be said to be fettered by Section 37 of the Act, given the imperative of Section 436A which is applicable to offences under the NDPS Act too (ref. Satender Kumar Antil supra).** Having regard to these factors the court is of the opinion that in the facts of this case, the appellant deserves to be enlarged on bail.*

*21. **Before parting, it would be important to reflect that laws which impose stringent conditions for grant of bail, may be necessary in public interest; yet, if trials are not concluded in time, the injustice wrecked on the individual is immeasurable.** Jails are overcrowded and their living conditions, more often than not, appalling.” (emphasis added)*

10. Keeping in view the law laid down by the Hon'ble Supreme Court of India in ***“Prabhakar Tewari vs. State of U.P. and another” 2020 (1)***



R.C.R. (Criminal 831) and “*Maulana Mohd. Amir Rashadi vs. State of U.P. and another*”, 2012 (2) SCC 382, the involvement of the petitioner in other cases would not be a ground to refuse grant of concession of regular bail.

11. In view the discussion above, the present petition is allowed. Accordingly, without commenting upon the merits of the case, the petitioner-Angrej Singh @ Raja is ordered to be released on regular bail during trial on his furnishing bail bonds/surety bonds to the satisfaction of Illaqa Magistrate/Trial Court.

12. Nothing observed hereinabove shall be construed to be expression of an opinion by this Court on merits of the case. The learned Court below is directed to proceed with the matter on its own merits, lest it may prejudice the trial.

July 09, 2025
manisha

(HARPREET SINGH BRAR)
JUDGE

- | | | |
|------|---------------------------|--------|
| (i) | Whether speaking/reasoned | Yes/No |
| (ii) | Whether reportable | Yes/No |