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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

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CRM-M No.36334 of 2025
Date of decision: 01.12.2025

Satinder Singh

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Manpreet Singh Sidhu, Advocate,
for the petitioner.

Ms. Sakshi Bakshi, AAG, Punjab,
for the respondent-State.

MANISHA BATRA, J. (Oral)

1. The present petition has been filed by the petitioner under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (For short “BNSS”) seeking regular bail in case arising out of FIR No.74 dated 23.03.2023 registered under Sections 21, 21(c), 29 and 27 of Narcotic Drugs and Psychotropic Substances Act, 1985 (for short ‘NDPS Act’) and Sections 411 and 473 of IPC at Police Station Special Task Force, Phase-4, Mohali, District SAS Nagar.

2. The aforementioned FIR was registered on the allegations that on 23.03.2023, a police party headed by ASI Sukhdev Singh was present in the area of Police Station Kumkalan, when a secret information was

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received that the present petitioner along with the co-accused Manpreet Singh @ Praity, Mohit Saini and Navpreet Singh was indulged in the business of selling heroin and at that moment of time, they were going from Kumkalan side to Bhaini in Ciaz car for supplying contrabands to their customers. Believing the secret information to be true, an information was sent at the police station for registration of FIR. Nakabandi was formed and the petitioner along with the co-accused was apprehended from the informed place and 2 kgs and 230 grams of heroin was recovered from underneath the driver seat of the car. They were formally arrested. Investigation now stands completed.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. A false recovery has been planted upon him. No recovery has been effected from his conscious possession. He is in custody for a period of more than two years and seven months. The trial will take considerable time to conclude. His further incarceration would not serve any useful purpose. His involvement in another case cannot be considered to be a reason for denying benefit of bail to him. It is, therefore, urged that he deserves to be released on bail.

4. Status report has been filed. It is argued by learned Assistant Advocate General, Punjab that the allegations against the petitioner are serious in nature as recovery of commercial quantity of contraband was effected from him and the co-accused. The rigors of Section 37 of NDPS

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Act are attracted in this case. It is also submitted that the trial is going on at a proper pace. It is, therefore, urged that the petition does not deserve to be allowed.

5. This Court has considered the rival submissions.

6. The petitioner along with the co-accused is alleged to have been found in 2 kgs and 230 grams of heroin on 23.03.2023. He was arrested and is in custody since that date. He has spent a period of two years, seven months and twenty days in custody. Only 04 out of 22 prosecution witnesses have been examined so far and obviously the trial will take considerable time to conclude. Similar situated co-accused have been extended benefit of bail. On parity, he too deserves to be given the same benefit. It is well settled proposition of law that prolonged incarceration generally militates against the most precious fundamental right guaranteed under Article 21 of the Constitution and to achieve balance between right to speedy trial guaranteed under Article 21 of the Constitution of India and rigors enumerated under Section 37 of the NDPS Act, an accused is not precluded from claiming bail invoking parameters of Article 21 of the Constitution of India *de-hors* the stringent provisions of Section 37 of NDPS Act. Reliance in this regard can be placed upon the observations made in ***Rabi Prakash vs. State of Odisha, 2023 Live Law (SC) 533; Ankur Chaudhary vs. State of Madhya Pradesh, 2024 (4) RCR (Criminal) 172; Mohd. Muslim @ Hussain vs.***



State (NCT of Delhi), 2023 AIR(SC) 1648; Satender Kumar Antil vs. Central Bureau of Investigation and another, 2022(10) SCC 51 and Bhupender Singh vs. Narcotic Control Bureau, (2022) 2 RCR (Criminal) 706. Therefore, keeping in view the aforementioned facts and circumstances, his antecedents and also the ratio of law as laid down in the aforecited authorities, this Court is of the considered opinion that no useful purpose would be served by keeping the petitioner in custody anymore. Accordingly, the present petition is allowed. The petitioner is ordered to be released on regular bail, subject to his furnishing personal/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned. However, it will be open for the prosecution to apply for cancellation of bail in case the petitioner is found involved in any other similar case in future.

7. It is made clear that any observation made herein above is only for the purpose of deciding the present petition and the same shall have no bearing on the merits of the case.

01.12.2025

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(MANISHA BATRA)

JUDGE

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