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

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CRM-M-38943-2025 (O&M)

Date of decision : 02.12.2025

Jagpreet Singh @ Jaggi**...Petitioner****Versus****State of Punjab****...Respondent****CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present:- Mr. Satnam Singh Gill, Advocate
for the petitioner.

Mr. Roshandeep Singh, AAG, Punjab.

MANISHA BATRA, J.(Oral)

1. The instant one is the second petition that has been filed by the petitioner under Section 483 of Bharatiya Nagarik Suraksha Sanhita for grant of regular bail to him in case bearing FIR No. 74 dated 14.06.2023, registered under Sections 22, 25 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (*for short 'NDPS Act'*) at Police Station Tappa Mandi, District Barnala. The previous petition was dismissed as withdrawn on 17.01.2025.

2. Brief facts of the case relevant for the purpose of disposal of this petition are that on 14.06.2023, a police party headed by SI Shareef Khan was on patrolling duty. The petitioner and co-accused Satvir Singh @ Ravi were found to be sitting in a Swift car bearing registration number HR-06-AA-8333, which was parked near Tapa side at village Mehta. On seeing the police party, they became perplexed and threw an envelope out of the said car. On the basis of suspicion, both of them were apprehended. On checking the said envelope, 18000 intoxicant tablets of Alprasafe 0.5 and 2000 intoxicant tablets

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of Tramadol were recovered from the same. Since the petitioner and co-accused could not produce any valid license or permit to keep in their possession the recovered drugs, they were formally arrested at the spot. During the course of investigation, co-accused Satvir Singh @ Ravi got effected another recovery of 32000 intoxicant tablets. Upon interrogation, he disclosed that he had purchased the recovered drugs from one Juber Mirja @ Mahinder @ Davel and used to sell the same to Godu @ Bhinder Singh. Both the said persons were nominated as accused. Co-accused Godu @ Bhinder Singh was arrested on 18.10.2023. After completion of necessary investigation and usual formalities, *challan* under Section 173 of Cr.P.C. was presented on 08.12.2023 in the Court and presently, the petitioner along with the co-accused is facing trial for commission of aforementioned offences.

3. Learned counsel for the petitioner has argued that he has been falsely implicated in this case. The petitioner was neither the driver nor the owner of the said car. He was only an occupant of the said car and was not aware about possessions of the co-accused. Even otherwise, investigation has been completed long back and *challan* has been presented in Court. However, trial is substantially delayed as despite the fact that *challan* was presented on 08.12.2023, out of total 24 prosecution witnesses, only 09 prosecution witnesses have been examined so far, whereas 09 witnesses have been given up. There is no likelihood of the trial being completed in near future. The petitioner is not involved in any other case and has clean antecedents. He is in custody since 14.06.2023. In view of substantial delay in trial, the petitioner is entitled to get benefit of bail as no useful purpose would be served by keeping

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the petitioner in custody anymore. It is, therefore, urged that the petition deserves to be allowed.

4. Status report has been filed by the respondent-State. Learned Assistant Advocate General, Punjab has argued that keeping in view the gravity of the allegations levelled against the petitioner, he is not entitled to get benefit of bail as rigors of Section 37 of the NDPS Act would be attracted against him. Hence, it is urged that the petition is liable to be dismissed.

5. This Court has heard the rival submissions.

6. As per the allegations, the petitioner and co-accused were found to be in possession of aforesaid intoxicating drugs on 14.06.2023. The petitioner is in custody since the date of registration of the FIR. He is not shown to be involved in any other case. On going through the record, it is apparent that the trial is substantially delayed as 06 prosecution witnesses are still left to be examined, despite the fact that challan was presented way back on 08.12.2023. The petitioner has been in long incarceration. The trial is obviously delayed and there is no likelihood of the same to conclude in near future. Hon'ble Supreme Court in ***Rabi Prakash vs. State of Odisha : 2023 Live Law (SC) 533*** has held that the prolonged incarceration, generally militates against the most precious fundamental right guaranteed under Article 21 of the Constitution and in such a situation, the conditional liberty must override the statutory embargo created under Section 37(1)(b)(ii) of the NDPS Act. Similar view has been taken by Hon'ble Supreme Court in ***Ankur Chaudhary vs. State of Madhya Pradesh : 2024 (4) RCR (Criminal) 172***. Reliance can also be placed upon ***Mohd. Muslim @ Hussain vs. State (NCT of Delhi) : 2023 AIR(SC) 1648*** ***2023 AIR(SC) 1648***, wherein Hon'ble

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Supreme Court, while granting concession of regular bail to an accused, from whom commercial quantity of the contraband was allegedly recovered, has held that grant of bail on the ground of undue delay in trial cannot be said to be fettered by Section 37 of the NDPS Act. Reference can also be made to the authority cited as ***Satender Kumar Antil vs. Central Bureau of Investigation and another, 2022(10) SCC 51***, wherein similar observations were made by the Hon'ble Supreme Court. Reliance can also be placed upon the authority cited as ***Bhupender Singh vs. Narcotic Control Bureau : (2022) 2 RCR (Criminal) 706***, wherein a Division Bench of this Court, after considering issue with respect to achieving balance between right to speedy trial guaranteed under Article 21 of the Constitution of India and the rigors enumerated under Section 37 of the NDPS Act, has held that convict/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 the NDPS Act. In the present case, apparently and evidently, the trial is substantially delayed. Therefore, keeping in view the aforementioned facts and circumstances 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 subsequent case.

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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.

02.12.2025

Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No