



CRM-M-45955 of 2025

-1-

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

228

**CRM-M-45955 of 2025
Date of Decision: 23.09.2025**

Angrej Singh

....Petitioner

Versus

State of Punjab

....Respondent**CORAM: HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL**

Present: Mr. Ruhani Chadha, Advocate for the petitioner.

Mr. Amit Shukla, DAG, Punjab.

RUPINDERJIT CHAHAL, J (ORAL)

1. Prayer in the instant petition filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 is for grant of regular bail to the petitioner in case FIR No.17 dated 28.01.2025 registered under Section 21 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (Sections 22 and 29 of the NDPS Act added later on), at Police Station Dharamkot, District Moga.

2. Brief facts of the present case are that as per the prosecution, on 28.01.2025, SI Charanjit Singh, along with his fellow police officials was on patrolling duty and on suspicion, apprehended the petitioner along with co-accused Neha Kaur. The petitioner was found in conscious possession of 50 grams of heroin and later on, on his disclosure statement, 30 loose intoxicant tablets were also recovered.



3. Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case and he has no concern with the said offence. He argued that the alleged recovery of heroin effected from the petitioner falls under non-commercial quantity and as far as the recovery of 30 loose tablets on the disclosure statement of the present petitioner is concerned, as per the prosecution, he was arrested on 28.01.2025 and the recovery of alleged tablets was effected on 30.01.2025 while in custody of police. He further argued that as per the prosecution, the present petitioner has kept concealed these tablets near the petrol pump which is an open air and it cannot be believed that the petitioner will conceal loose tablets in open area. This recovery has been planted upon the petitioner to make the recovery fall in the category of commercial quantity. He further contends that mandatory provisions of the NDPS Act were not complied with at the time of alleged search and seizure. He argued that recovery of alleged contraband has already been effected from the petitioner. The petitioner is in custody since 28.01.2025. The investigation in the case is complete, challan stands presented and charges have also been framed. Further, co-accused Neha Kaur, who was apprehended at the spot with the petitioner, has already been granted the concession of regular bail by the learned Judge, Special Court, Moga, vide order dated 28.05.2025. He submit that the trial will take a long time to conclude and no useful purpose would be served by keeping him behind the bars. Therefore, it is urged that the petition deserves to be allowed.

4. Notice of motion.



5. Learned State counsel, who has appeared on advance notice of the petition, has filed the status report in the matter, which is taken on record and while referring to the same, has vehemently opposed the prayer for grant of bail by submitting that the offence committed by the petitioner is serious in nature and he was apprehended at the spot with the alleged contraband, which falls under the commercial quantity. He has further submitted that the petitioner is involved in two more cases meaning thereby he is a habitual offender.

6. Having heard learned counsel for the parties at length and after perusing the record of the case, it is evident that the petitioner is in custody for the last more than 7½ months, investigation is complete; challan stands presented; charges have also been framed, and the fact that trial may take a long time to conclude, no useful purpose would be served by detaining him in further custody. Keeping the petitioner in further detention without the prospect of trial being concluded in near future would be violative of his rights under Article 21 of the Constitution of India.

7. Reliance is placed upon a judgment in the case of ***Dataram Singh vs. State of Uttar Pradesh & Anr. 2018(2) R.C.R. (Criminal) 131***, wherein Hon'ble Apex Court has held that keeping somebody behind the bars, till his guilt is proved, for an indefinite period amounts to infringement of her right to life and liberty, as enshrined under Article 21 of Constitution of India and is against the principle "*bail is a rule*" and "*jail is an exception*".

8. Moreover, prolonged detention of the petitioner, without any likelihood of the trial being concluded in the near future, would amount to a



violation of their fundamental rights guaranteed under Article 21 of the Constitution of India. The Hon'ble Supreme Court, in ***Mohd. Muslim @ Hussain v. State (NCT of Delhi)***, 2023 AIR SC 1648, while dealing with an NDPS case, held that the principles of fairness embodied under Article 21 override the statutory restrictions on grant of bail under Section 37 of the NDPS Act. Speaking through Justice S. Ravindra Bhat, the Court observed:

"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."

9. As regards the submission of learned State counsel that petitioner is involved in other/one more criminal case(s), reference is placed upon the judgment of the Hon'ble Supreme Court in ***Maulana Mohd. Amir***



CRM-M-45955 of 2025

-5-

Rashadi Vs. State of U.P. and another, 2012 (2) SCC 382 in which, it is held that the facts and circumstances of the present case are to be seen while deciding a bail application and the bail application of the petitioner cannot be rejected solely on the ground that the petitioner is involved in other/another case(s). The relevant portion of the said judgment is reproduced herein-below:-

"As observed by the High Court, merely on the basis of criminal antecedents, the claim of the second respondent cannot be rejected. In other words, it is the duty of the Court to find out the role of the accused in the case in which he has been charged and other circumstances such as possibility of fleeing away from the jurisdiction of the Court etc."

10. In view of the above, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate/CJM concerned. It is clarified that nothing stated herein shall be construed as an expression of opinion on the merits of the case.

23.09.2025*D.Bansal***(RUPINDERJIT CHAHAL)
JUDGE**

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