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

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CRM-M-55961-2024 (O&M)

Date of decision: 21.04.2025

Naryan Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Raj Kumar Bhatia, Advocate
for the petitioner.

Ms. Sakshi Bakshi, AAG, Punjab.

MANISHA BATRA, J. (Oral)

1. The instant one is the second petition, filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, for grant of regular bail to the petitioner in case bearing FIR No. 131 dated 27.10.2012, registered under Section 18 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (*for short 'NDPS Act'*) at Police Station Nabha Kotwali, District Patiala. The first petition, bearing number **CRM-M-18957-2024**, was dismissed by this Court on 25.07.2024.

2. The petitioner has been booked in the aforesaid case and has been challaned and chargesheeted on the allegations that he had supplied 10 kgs of opium to co-accused Ishar Singh and Manohar Singh, who were arrested on 27.10.2012 along with the aforementioned quantity of opium. The co-accused faced trial and had been convicted. The present petitioner was absconding and hence could not be arrested. He was declared a proclaimed offender by the learned trial Court. He had been arrested on 11.12.2023. His previous petition had been dismissed by making the following observations:

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“6. As per allegations in the FIR, co-accused Ishar Singh and Manohar Singh were apprehended by the police party on 27.10.2012 and the recovery of 10 kgs. of opium was effected from them, which falls under the commercial quantity. Admittedly, the aforesaid co-accused have been convicted by the trial Court for a period of 10 years. The petitioner was nominated in this case on the disclosure of the co-accused, wherein they stated that they had procured the recovered contraband from the petitioner, who had instructed them to sell the same in Punjab. He had also given them his account number so that they can deposit the money in his account after selling the contraband. A perusal of the status report shows that the account in question was verified during investigation and it was found in the name of the petitioner, which shows that the petitioner was the mastermind of the subject crime. The petitioner has been absconding for a period more than 11 years. During the interregnum, he was declared a proclaimed offender and even an FIR under Section 174-A of IPC had been registered against him. In view thereof, the apprehension of learned State counsel cannot be said to be unfounded that if the petitioner is released on bail, he can again abscond. The rigors of Section 37 of the NDPS Act would also be attracted against him as he is stated to be involved in two more cases under the NDPS Act. Keeping in view the nature of the allegations as levelled against him, the antecedents of the petitioner, the quantity of the contraband recovered from the co-accused, the quantum of sentence which the conviction may entail and the attendant facts and circumstances of the case, this Court is of the considered opinion that the petitioner is not entitled to get benefit of regular bail, at this stage. Hence, the petition is dismissed.”

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3. It is argued by learned counsel for the petitioner that he is in custody since 11.12.2023. The trial has not yet commenced and it will take considerable time to conclude. He is behind bars since long. No recovery has been effected from him. Nothing has been collected during the course of investigation to show that his bank account contained any entry regarding deposit of any drug money. He is on bail in the two FIRs as registered against him under the provisions of the NDPS Act. His further incarceration would not serve any useful purpose. The prolong period of custody extended a ground to him to seek bail. Accordingly, it is urged that the petition deserves to be allowed and the petitioner deserves to be released on bail.

4. Status report has been filed by the respondent-state. Learned Assistant Advocate General, Punjab has argued that there is no substantive change in the circumstances since the date of dismissal of the previous petition. Charges under Section 29 of the NDPS Act has been framed against the petitioner. Now trial has commenced and there is nothing on record to show that there would be any undue delay in conclusion thereof. The petitioner was declared a proclaimed person. It is argued that keeping in view his antecedents, act and conduct and also in view of the nature of the allegations levelled against the petitioner, he does not deserve to be extended benefit of regular bail.

5. The rival submissions have been given due deliberations.

6. The petitioner was nominated as an accused on the basis of the disclosure statements of co-accused Ishar Singh and Manohar Singh, who were apprehended on 27.10.2012 and from whom, recovery of 10 kg of opium was effected. The petitioner had been declared a proclaimed offender as he

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could not be apprehended at that time. However, the day when he had been declared to be so has not been mentioned in the status report as filed by the respondent-State though as per the custody certificate, the case under section 174-A of IPC was registered against him as on 09.07.2021. The petitioner is in custody since 11.12.2023. No recovery had been effected from him. No witness has been examined till date, which shows that the trial is substantially delayed as not even a single witness has been examined so far. Therefore, keeping in view the period of incarceration of the petitioner and the attendant facts and circumstances of the case, I am of the considered opinion that no useful purpose would be served by keeping him in custody anymore. Accordingly, the present petition is allowed. The petitioner is ordered to be released on regular bail, subject to his furnishing personal bonds and two sound sureties 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.

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.

21.04.2025

Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No