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

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CRM-M-54537-2025 (O&M)
Date of decision : 20.11.2025

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

Present:- Mr. P. S. Sekhon, Senior Advocate with
Mr. L. S. Sekhon, 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, 2023 for grant of regular bail to him in case bearing FIR No. 97 dated 28.10.2023, registered under Sections 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (*for short 'NDPS Act'*) at Police Station Ghagga, District Patiala. The previous petition was dismissed by this Court on 01.04.2025.

2. The petitioner along with co-accused Bablu and Najar Singh has been booked in the aforesaid case on the allegations that on 28.10.2023, they were found to be in possession of 1520 intoxicant tablets of Tramadol Hydrochloride, for which, they were not having any valid permit or license. The petitioner along with the aforesaid co-accused is facing trial.

3. Learned counsel for the petitioner has argued that the petitioner has been falsely implicated in this case. He is in custody since 28.10.2023.

Investigation has been completed long back and *challan* has been presented in

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Court. However, trial is substantially delayed as only 02 witnesses out of total 17 prosecution witnesses have been examined so far and 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. Co-accused Nazar Singh, who is similarly situated with the petitioner, has been granted concession of regular bail by this Court, vide order dated 15.10.2025 passed in **CRM-M-32238-2025**. On parity and in view of substantial delay in trial, the petitioner is also entitled to get benefit of bail as no useful purpose would be served by keeping the petitioner in custody anymore. It is, therefore, urged that the petition deserves to be allowed.

4. Per contra, learned State counsel argued that keeping in view the gravity of the allegations levelled against the petitioner, he is not entitled to get benefit of bail. 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 along with above named two co-accused was found to be in possession of 1520 intoxicant tablets of Tramadol Hydrochloride on 28.10.2023. The petitioner is in custody since the date of registration of the FIR. On going through the record, it is apparent that the trial is substantially delayed as only 02 prosecution witnesses have been examined so far out of total 17 witnesses, despite the fact that challan was presented long back. The petitioner has been in long incarceration. Similarly situated co-accused Nazar Singh @ Najar Singh has already been granted concession of bail by this Court, as mentioned. 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

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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 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 *dehors* 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

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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.

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.

20.11.2025

Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No