

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

241

**CRM-M-60585-2025
Date of decision: 01.12.2025**

SUKHDEEP SINGH ALIAS RAJA

....Petitioner

VERSUS

STATE OF PUNJAB

...Respondent

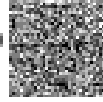
CORAM: HON'BLE MR. JUSTICE YASHVIR SINGH RATHOR

Present : Mr. Vikas Gupta, Advocate for the petitioner.

Mr. Rahul Jindal, A AG Punjab.

YASHVIR SINGH RATHOR. J.(Oral)

1. Prayer in the present petition is for grant of regular bail to the petitioner in case having FIR No.26 dated 16.04.2023 registered under Sections 21 and 21(c), 29, 31 (added later on) of NDPS Act at Police Station Chohla Sahib, District Tarn Taran.
2. Brief facts of the prosecution case are that on 16.04.2023, Gurmukh Singh ASI, PS Chohla Sahib along with other police officials was present at T-point Ghadka Road when he received a secret information to the effect that Gurpreet Kaur alias Jyoti and Sukhdeep Singh alias Raja indulge in smuggling of Heroin on a large scale and they sell consignment through the mobile phones by contacting the customers. In case, a surveillance is started near their houses, they can be apprehended along with Heroin. The information was found to be reliable and *ruqa* was sent to the police station for registration of FIR. Thereafter, the police party reached near the house of Gurpreet Kaur and 280 grams of Heroin was recovered from her while 270 grams of Heroin was recovered from Sukhdeep Singh @ Raja (present petitioner) and 100 grams of Heroin from one Pritpal Singh. Thereafter,

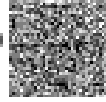


Nishan Singh @ Shana (Sana) was nominated as accused by Gurpreet Kaur and he was arrested on 18.4.2023 and 300 grams of Heroin was recovered from his possession. Petitioner was arrested on 16.04.2023. After completion of usual investigation, final report has been presented for trial of the accused.

3. Upon notice, the State counsel has appeared and has opposed the bail.

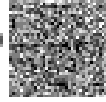
Both the parties have been heard and material placed on the file has been perused.

4. Learned counsel for the petitioner contended that the petitioner has been falsely implicated. Learned counsel next contended that the petitioner is in custody since 16.04.2023 and after completion of investigation, challan has been presented. Thereafter, charge has been framed on 11.10.2023 but out of 18 prosecution witnesses, only 5 witnesses have been examined till date and in view of his long incarceration, petitioner is entitled to be released on bail. Learned counsel submitted that co-accused namely Gurpreet Kaur @ Jyoti has already been released on bail by this Court vide order dated 17.09.2025 (Annexure P-2) and petitioner is entitled to bail even on the ground of parity. In support of his contention, learned counsel for the petitioner has relied upon judgments passed in CRM-M-21794 of 2023 – **Sandeep Singh v. State of Punjab** decided on 05.05.2023, CRR-1785 of 2018 (O&M)- **Vicky Kaur v. State of Punjab**, decided on 13.08.2018, CRM-M-14029 of 2018 **Kamlesh v. State of Punjab**, decided on 06.05.2015, CRM-M-17321 of 2025 **Jassu Ram @ Jasuram v. State of Punjab**, decided on 04.04.2025 and a judgment of Hon'ble Supreme Court in Special Leave to Appeal (Crl.) No. (s).12788/2023 – **Nandalal Mondal @ Abhay Mondal v. The State of West Bengal**, judgment of Hon'ble Supreme Court passed in **Criminal Appeal No.4883/2025 - Santosh Pawar Vs. State of Chhattisgarh & Anr.** decided on 14.11.2025 and (2022) 10 SCC 52, **Satender Kumar Antil Vs. Central Bureau of Investigation** decided on 11.07.2022.



5. On the other hand, learned State Counsel has opposed the bail and argued that the petitioner has committed a heinous crime as she was found in possession of commercial quantity of Heroin and in view of rigors contained in statutory provision of Section 37 of NDPS Act, she is not entitled to the benefit of bail.

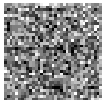
6. As per allegations, the petitioner was found in possession of 270 grams of Heroin. He is in custody since 16.04.2023 and only 5 witnesses have been examined out of 18 witnesses cited by the prosecution and as such, trial has been delayed and there is no likelihood of the same being concluded soon. Co-accused namely Gurpreet Kaur @ Jyoti has already been released on bail by this Court vide order dated 17.09.2025 (Annexure P-2), whose case is identical to that of petitioner. Hon'ble Surpeme Court in 2023 Live Law (SC) 533, **Rabi Prakash v. State of Odisha** has held that 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 of the NDPS Act. To the same effect is the law laid down by Hon'ble Supreme Court in 2024 (4) RCR (Criminal) 172, **Ankur Chaudhary v. State of Madhya Pradesh** 2023 AIR(SC) 1648, **Mohammad Muslim alias Hussain v. State (NCT of Delhi)** in which Hon'ble Supreme Court while granting regular bail to an accused, from whom commercial quantity of contraband was 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. A co-ordinate Bench of this Court has also held so in judgment reported as **Law Finder Doc Id #2770222 Garpawandeep Singh alias Bihari v. State of Punjab** decided vide judgment dated 27.08.2025 passed in CRM-M-19408 of 2025 wherein 260 grams of heroin was allegedly recovered. Hon'ble Supreme Court in Special Leave to Appeal (Criminal)



No.12788/2023 titled **Nandalal Mondal alias Abhay Mondal v. The State of West Bengal**, vide judgment dated 03.01.2024 while taking into consideration the period of custody already undergone by the petitioner/under- trial, the fact that he does not have any criminal antecedents and also keeping in view the prolonged incarceration, ordered release of the petitioner on bail who was found in possession of 10,000 ml of codeine phosphate - a cough syrup which falls within the commercial quantity. Hon'ble Supreme Court in Criminal Appeal No.4883/2025 titled **Santosh Pawar Vs. State of Chhattisgarh & Anr. (Supra)**, has held that appellant who was being prosecuted for being in possession of commercial quantity of narcotic substance was entitled for bail in view of her incarceration for a period of 19 months. In **Satender Kumar Antil's case (supra)**, prolonged incarceration and inordinate delay engaged the attention of the Hon'ble Supreme Court of India, which considered the correct approach towards bail, with respect to several enactments, including Section 37 of NDPS Act. The Court expressed the opinion that Section 436A of Criminal Procedure Code, 1973 (which requires inter alia the accused to be enlarged on bail if the trial is not concluded within specified periods) would apply.

7. Therefore, taking into consideration the facts and circumstances of the present case and also the ratio of law laid down in afore-mentioned case laws, I am of the opinion that no useful purpose will be served by keeping the petitioner in custody and resultantly, the present petition is allowed and the petitioner is ordered to be released on bail on her furnishing bail bond and surety bond to the satisfaction of learned Trial Court/Duty Magistrate concerned, on usual terms and conditions. However, in addition to the terms and conditions that may be imposed by the trial Court/Duty Magistrate concerned, petitioner shall remain bound by the following conditions:-

(i) Petitioner shall not misuse the concession of bail granted to her.



- (ii) Petitioner shall not tamper with any evidence, oral or documentary during the trial.
- (iii) Petitioner shall regularly appear before the trial Court and she will not commit any offence of similar nature while on bail.
- (iv) Petitioner shall deposit his passport, if any, with the trial Court.
- (v) Petitioner shall not in any manner delay the trial.

In case of breach of any of the aforesaid conditions or the conditions that may be imposed by the trial Court or upon any other sufficient cause, the State shall be at liberty to apply for cancellation of bail.

01.12.2025
Priyanka Thakur

(YASHVIR SINGH RATHOR)
JUDGE

Whether speaking/reasoned.	:	Yes/No
Whether Reportable.	:	Yes/No