

2025:PHHC:078853



220.

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

CRM-M-65016-2024

Date of decision: 03.07.2025

Harpreet Singh @ Pita and another

.... Petitioners

Versus

State of Punjab

.... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. P.S. Sekhon, Advocate, for the petitioners.

Mr. Amit Rana, Senior DAG, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

1. Prayer in this second petition filed under Section 483 of BNSS, 2023, is for grant of regular bail to the petitioners in case FIR No.140, dated 06.09.2023, under Sections 22, 25, 29 of NDPS Act, 1985 and Section 25 of Arms Act, 1959, registered at Police Station Dhanaula, District Barnala.

2. Learned counsel for the petitioners submits that the petitioners have been in custody since 06.09.2023 for having allegedly been found in possession of 1050 tablets of Alprazolam along with one country made weapon as well as two live cartridges. It has been contended by the learned counsel that the petitioners are innocent and have been falsely implicated in the present case. The petitioners have been languishing in custody ever since they were arrested; challan was presented on 23.01.2024 followed by framing of charges on 11.03.2024, however, till date, not even a single

prosecution witness out of 14 cited has been examined. Learned counsel has also brought to the notice of this Court that identically placed accused, Manpreet Singh @ Ford and Harpreet Singh @ Ramu @ Rajasthani have already been extended the concession of bail by this Court on 30.09.2024 primarily on the ground of their long incarceration. In support, learned counsel has drawn the attention of this Court to Annexure P-2, order granting the concession of bail to both of these co-accused by a coordinate Bench of this Court. Learned counsel has, therefore, submitted that in the aforementioned facts and circumstances, the petitioners also deserve similar relief as the delay in trial is not attributable to them. Learned counsel, in support of his submissions, has placed reliance upon ***Rabi Prakash Versus The State of Odisha, 2023 Livelaw (SC) 533*** and ***Dheeraj Kumar Shukla Versus State of Uttar Pradesh (SLP(Crl.) No.6690/2022)***, decided on ***25.01.2023*** where the Hon'ble Supreme Court had granted bail to the accused therein on account of their long custody period and prolonged trial.

3. In compliance of order dated 06.05.2025, short reply by way of affidavit dated 01.07.2025 of Satvir Singh, PPS, Deputy Superintendent of Police, Sub Division, Barnala, on behalf of respondent-State, has been filed in Court today, which is taken on record subject to all just exceptions.

4. *Per contra*, learned State counsel, while opposing the prayer and submissions made by the counsel opposite has, on instructions, neither disputed the custody period of the petitioners nor has he disputed the stage of trial. However, it has been asserted by the learned State counsel that the prosecution cannot be blamed for the delayed trial as the accused, who were

earlier granted the concession of bail by the learned Trial Court had absented, leading to the issuance of bailable/non-bailable warrants against them and the trial being delayed. Learned State counsel has still further submitted that a specific secret information had been received, following which, the petitioners along with 03 others were intercepted by the police.

5. On a pointed query, learned State counsel has not been able to dispute, on instructions, that the other accused, Manpreet Singh @ Ford and Harpreet Singh @ Ramu @ Rajasthani, who too were nabbed along with the petitioners by the police following the secret information had since been extended the concession of bail by a coordinate Bench of this Court on account of their long custody period and delayed trial.

6. I have heard learned counsel for the parties and perused the material placed on record.

7. The alleged recovery effected from the petitioners and 02 others is 152.25 grams of Alprazolam as against the minimum 100 grams classified as “commercial” under the NDPS Act. Undisputedly, after the charges were framed way back on 11.03.2024, the trial has not progressed for reasons not attributable to the petitioners. The petitioners, in the circumstances, cannot be made to languish in custody as it amounts to compromising with their right to a speedy and fair trial.

8. In *Rabi Prakash Versus The State of Odisha, 2023 Livelaw (SC) 533* and *Dheeraj Kumar Shukla Versus State of Uttar Pradesh (SLP(Crl.) No.6690/2022)*, decided on 25.01.2023, the Hon’ble Supreme Court, on account of inordinate delay in the conclusion of trial, had done

away with the bar created under Section 37 of the NDPS Act and enlarged the accused therein on bail.

9. In the facts and circumstances as enumerated hereinabove, this Court deems it appropriate to allow the instant petition by dispensing with the conditions of Section 37 of the NDPS Act.

10. Accordingly, the instant petition is allowed and the petitioners be admitted to bail on their furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned. However, the Trial Court may impose any stringent condition as it deems fit to ensure the presence of the petitioners during trial.

11. It is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

12. Needless to add, in case the petitioners misuse the concession of bail granted to them, the State would be at liberty to seek cancellation of the same forthwith.

(MANJARI NEHRU KAUL)
JUDGE

July 03, 2025
sanjeev

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