



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

212/2

CRM-M-18700-2025 (O&M)
Date of decision:14.01.2026

Sukhwinder Singh @ Sulkhan

...Petitioner

Versus

State of Punjab

...Respondent

2)
Mewa Singh

CRM-M-2003-2025 (O&M)

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Parminder Singh Sekhon, Sr. Advocate, with
Mr. Rajdeep Singh Gill, Advocate, for the petitioners.
Ms. Gagandeep Kaur, DAG, Punjab

AMAN CHAUDHARY. J.

1. Prayer in both these present petitions filed under Section 483 Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 is for grant of regular bail to the petitioners in case FIR No.159 dated 29.07.2021, registered under Sections 22 and 25 of NDPS Act, 1985 at Police Station Dirba, District Sangrur.

2. Learned Senior Counsel contends that petitioner Sukhwinder Singh @ Sulakhan has been in custody for 2 years, 11 months and 08 days, while petitioner Mewa Singh has been in custody for 4 years, 3 months and 26 days. He alleges false implication in the case. He submits that 6500 intoxicant tablets of Tramadol and 4800 tablets of Alprazolam are allegedly recovered from the car, of



which the petitioners were the passengers. 03 out of the total 05, who were travelling in the said vehicle, have been granted bail by this Court vide orders dated 21.03.2024, 15.04.2024 and 23.07.2024, Annexures P-3 to P-5 respectively. No independent witness has been joined. There are non-compliance of mandatory provisions of Sections 42 and 50 of the NDPS Act. It is debatable issue whether the petitioners were in conscious possession of the contraband allegedly recovered. Charges have been framed on 02.03.2022, however, out of total 23 prosecution witnesses, only 04 have been examined. Petitioner Sukhwinder Singh @ Sulakhan is involved in two cases, out of which in one he has already completed his sentence and in another he is on bail, however against petitioner Mewa Singh, there are 06 cases, out of which in 02 he has already completed his sentence and in 03, he is on bail. Reliance is placed on the judgment passed by Hon'ble The Supreme Court titled as **Maulana Mohd. Amir Rashadi vs. State of U.P. and others**, 2012(2) SCC 382.

3. The custody certificates dated 13.01.2026, filed by the learned State counsel are taken on record. As per the same, petitioner Sukhwinder Singh @ Sulakhan is behind bars for 2 years, 11 months and 08 days, while petitioner Mewa Singh is behind bars for 4 years, 3 months and 26 days.

4. Learned State counsel opposes the bail on the ground that the commercial quantity of contraband was recovered from the petitioners and their co-accused, who were arrested at the spot. However, he is unable to controvert the submissions with regard to stage of the case; co-accused enlarged on bail; petitioner Mewa Singh being on bail in other cases except two cases.



5. Heard.

6. Hon'ble The Supreme Court in the case of **Maulana Mohd. Amir Rashadi** (supra) had held that, “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.” Reiterating in **Prabhakar Tewari vs. State of UP and another**, (2020) 11 SCC 648, it was observed that, “The offence alleged no doubt is grave and serious and there are several criminal cases pending against the accused. These factors by themselves cannot be the basis for refusal of prayer for bail.”

7. Hon'ble The Supreme Court in **Shariful Islam @ Sarif versus The State of West Bengal** SLP (Crl.) No.4173/2022, decided on 04.08.2022, granted bail to the petitioner in a case of recovery of commercial quantity of contraband, considering incarceration for over 1 year, 6 months and there being no likelihood of completion of trial in the near future, while the Division Bench of this Court in **Bhupender Singh vs. Narcotic Control Bureau** (2022) 2 RCR (Crl.) 706, observed with regard to achieving balance between right to speedy trial guaranteed under Article 21 of the Constitution of India and rigors of Section 37 of NDPS Act.

8. This Court in the case of **Balraj Singh vs. State of Punjab** CRM-M-57386-2022, on 14.12.2022 has followed the dictum laid down by Hon'ble The Supreme Court and granted the bail to the petitioner therein after he had undergone total custody of 1 year and 6 months and in **Munasi Masih vs. State of**



Punjab, CRM-M-31504-2022, on 06.2.2023, wherein commercial quantity of contraband had been recovered but only 2 out of 13 PWs had been examined, allowed bail.

9. Considering the facts and circumstances of the case, in particular that Sukhwinder Singh @ Sulakhan is in custody for 2 years, 11 months and 08 days and petitioner Mewa Singh is in custody for 4 years, 3 months and 26 days; co-accused are on bail; petitioner Mewa Singh on bail in two cases; charges were framed on 02.03.2022; out of 23 prosecution witnesses, only 04 have been examined, the trial is likely to take a considerable time; further incarceration of the petitioner would be violative of his right enshrined under Article 21 of the Constitution of India and the rigors of Section 37 of the NDPS Act can be diluted bearing in mind the right to a speedy trial, both the present petitions are allowed.

10. The petitioners are ordered to be released on regular bail, subject to furnishing bail/surety bonds to the satisfaction of trial Court/Duty Magistrate concerned, if not required in any other case and shall abide by the following conditions:-

- (i) The petitioners will not tamper with the evidence during the trial.
- (ii) The petitioners will not pressurize/ intimidate the prosecution witnesses.
- (iii) The petitioners will appear before the trial Court on each and every date fixed, unless are exempted by a specific order of Court.
- (iv) The petitioners shall not commit an offence similar to the offence of which, they are accused, or for commission of which they are suspected of.
- (v) The petitioners shall not directly or indirectly coerce, induce, threaten or promise to any person acquainted with the facts of the case so as to dissuade him/ her from disclosing such facts to the Court or to any police officer



or tamper with the evidence in any manner.

- (vi) The petitioners shall not in any manner misuse their liberty.
- (vii) The petitioners shall furnish their addresses and mobile number by way of their respective affidavits to the trial Court and not change the same till conclusion of trial and if for any reasons, they seek to change either of the aforesaid, it shall be done only with prior information to the learned trial Court.
- (viii) The petitioners shall not leave the country without prior permission of the trial Court.
- (ix) The trial Court/Duty Magistrate may impose any other condition, as deemed appropriate while releasing the petitioners.

11. It is made abundantly clear that in case there is any breach of the aforesaid conditions, the State shall be at liberty to seek cancellation of bail as granted to the petitioners by this order.

12. In view of the above, it is clarified that the observations made herein above are limited for the purpose of present proceedings and would not be construed as any opinion on the merits of the case and the trial would proceed independently of the aforesaid observations.

13. A photocopy of this order be placed on the file(s) of the other connected case (s).

(AMAN CHAUDHARY)
JUDGE

14.01.2026
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Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No