

2026:PHHC:074881



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.3972 of 2026

Dalvir Singh @ Soni ... Petitioner
Versus
The State of Punjab ... Respondent

1.	The date when the judgment is reserved	11.05.2026
2.	The date when the judgment is pronounced	13.05.2026
3.	The date when the judgment is uploaded on the website	13.05.2026
4.	Whether only operative part of the judgment is pronounced or whether the full judgment is pronounced	Full
5.	The delay, if any, of the pronouncement of full judgment, and reasons thereof	Not applicable

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Arsh Bir, Advocate,
for the petitioner.

Ms. Sakshi Bakshi, AAG, Punjab,
for the respondent-State.

MANISHA BATRA, J.

1. The instant one is the fourth petition as filed by the petitioner under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (For short “BNSS”) seeking regular bail in case arising out of FIR No.152 dated 26.12.2023 registered under Sections 22 and 29 of Narcotic Drugs and Psychotropic Substances Act, 1985 (for short ‘NDPS Act’) at Police Station Haryana, District Hoshiarpur. The first petition as filed by the

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petitioner bearing CRM-M-22303-2024 has been dismissed by the Coordinate Bench of this Court vide order dated 02.12.2024. The second petition bearing CRM-M-5640-2025 has been dismissed for want of prosecution by this Court vide order dated 10.03.2025 and the third petition bearing CRM-M-17118-2025 has been dismissed as withdrawn by this Court vide order dated 02.08.2025.

2. As per the allegations, on 26.12.2023, the petitioner was apprehended on the basis of suspicion and on conducting his search, 262 grams of intoxicating substance which was found to be Tramadol Hydrochloride, was recovered from his conscious possession which was taken into possession by the police. The petitioner was formally arrested. Investigation now stands concluded.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. He is in custody for a period of over 02 years and 04 months. The chances of conclusion of trial in near future are bleak as no prosecution witness been examined so far. No useful purpose would be served by detaining him in custody any more. Each day spent by him in custody has furnished a fresh ground to him to seek concession of bail. His prolonged incarceration militates against his fundamental right guaranteed under Article 21 of the Constitution of India. It is, thus, argued that he deserves to be released on bail. To fortify his argument, learned counsel for the petitioner has placed reliance upon judgments cited as

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Maulana Mohd. Amir Rashadi v. State of U.P. and another, 2012(1) RCR (Criminal) 586; Amandeep Singh @ Khalnayak v. State of Haryana and another, 2026:PHHC:063535; Kuldeep Singh @ Keepa v. State of Punjab, 2026:PHHC:051970; Simranjeet Singh @ Simra v. State of Punjab, 2026:PHHC:013672; Swaran Singh @ Babbi v. State of Punjab, 2026:PHHC:012300; Mohinder Ram @ Mahinder Ram v. State of Punjab, 2024 NCPHHC 92330; Manpreet alias Sonu Waghla v. State of Punjab and others, 2025 NCPHHC 96918; Gurprabh Singh @ Prince v. State of Punjab, 2025 NCPHHC 27809 and Lakhwinder Kaur @ Lakho Rani v. State of Punjab, 2026:PHHC:031958.

4. Learned Assistant Advocate General, Punjab while relying upon the status report has submitted that taking into consideration the gravity of the allegations, the fact that the rigors of Section 37 of NDPS Act are attracted in this case and that this is a successive petition, the same is not maintainable and is liable to be dismissed.

5. This Court has considered the rival submissions.

6. The petitioner is in custody since 26.12.2023. The allegations make out a prima facie case for commission of subject offences against him. However, no prosecution witness has been examined so far. Meaning thereby that there are no chances of conclusion of the trial in near future. The recovered contraband was marginally above the commercial quantity. So far as the question of maintainability of the petition is concerned, it may

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be mentioned that an accused has a right to make successive applications for grant of bail, and it is the duty of the Court, while entertaining such a subsequent bail application, to consider the reasons and grounds on which the earlier bail petition was rejected. The fresh grounds which persuade the Court to take a view different from the one taken in the earlier application are also required to be recorded. Reference in this regard can be made to ***Prasad Shrikant Purohit v. State of Maharashtra (2018) 11 SCC 458***, wherein it was so observed. It is well settled proposition of law that grant of bail on account of delay in trial and long period of incarceration is to be considered in the light of Section 37 of the NDPS Act. Reliance in this regard can be placed upon the observations made by Hon'ble Apex Court in ***Mohd. Muslim @ Hussain v. State (NCT of Delhi), 2023 SCC OnLine SC 352***, wherein it was held that grant of bail on account of undue delay in trial cannot be said to be fettered under Section 37 of the NDPS Act, given the imperative of Section 436-A of Cr.P.C. which is applicable to offence under the Act. It was also observed that jails are overcrowded and their living conditions are, more often than not, appalling. The danger of unjustified imprisonment is that inmates are more likely to be hardened rather than reformed. Reliance can also be placed upon ***Manmandal and Another v. State of West Bengal, Special Leave Petition (Criminal) No.8656 of 2023 decided on 14.09.2023 and Rabi Prakash v. State of Odisha, 2023 Live Law (SC) 533***, wherein the Hon'ble Supreme Court had extended benefit of

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bail to the accused who had been incarcerated for a long period by observing that prolonged incarceration militated against the most precious fundamental right guaranteed under Article 21 of the Constitution and in such a situation, the constitutional principles must override the statutory embargo contained under Section 37 of the NDPS Act.

7. Reliance can also be placed upon ***Santosh Pawar Vs. State of Chhattishgarh & Anr., Criminal Appeal No.4883/2025***, wherein Hon'ble Supreme Court observed that rigors of Section 37 of NDPS Act will not be a bar for considering the case of an accused for bail as it comes with a condition that the prosecution would press for an early completion of trial. In the abovementioned case, the Hon'ble Supreme Court 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.

8. Similarly in another case i.e. in the case of ***Satender Kumar Antil v. Central Bureau of Investigation, (2022) 10 SCC 51*** prolonged incarceration and inordinate delay engaged the attention of the Hon'ble Supreme Court, which considered the correct approach towards bail, with respect to several enactments, including Section 37 NDPS Act. The court expressed the opinion that Section 436A (which requires inter alia the accused to be enlarged on bail if the trial is not concluded within specified periods) of the Criminal Procedure Code, 1973 would apply.

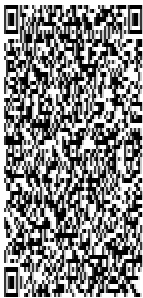
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Criminal Appeal No.4911 of 2025 with regard to recovery of commercial quantity of narcotic substance the Hon'ble Supreme Court accorded the benefit of bail to the accused in view of prolonged incarceration for a period of 02 years and 08 months of the accused. Similar was the proposition of law as laid down in **Maulana Mohd. Amir Rashadi's** case (Supra), **Amandeep Singh @ Khalnayak's** case (Supra), **Kuldeep Singh @ Keepa's** case (Supra), **Simranjeet Singh @ Simra's** case (Supra), **Swaran Singh @ Babbi's** case (Supra), **Mohinder Ram @ Mahinder Ram's** case (Supra), **Manpreet alias Sonu Waghal's** case (Supra), **Gurprabh Singh @ Prince's** case (Supra) and **Lakhwinder Kaur @ Lakho Rani's** case (Supra).

10. The first petition of the petitioner was dismissed on 02.12.2024. The second petition was dismissed for want of prosecution on 10.03.2025 and the third petition was dismissed as withdrawn on 02.08.2025 Trial has not progressed much thereafter. On analyzing the peculiar facts and circumstances of the present case in the light of the aforementioned principles of law, it transpires that the petitioner has suffered prolonged incarceration for a period of about 02 years, 04 months and 16 days, the trial is not likely to be concluded in near future since as per status report, no prosecution witness has been examined so far; the continued detention of the petitioner is not likely to serve any fruitful purpose; there is nothing on record to show that if released on bail, the petitioner will not participate in

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the trial or will abscond. As such, the prolonged detention of the petitioner amounts to drastic change in circumstances extending fresh ground to petitioner to seek bail.

11. In view of the above discussion, this Court is of the considered opinion that a case is made out for grant of bail to the petitioner. Accordingly, the petition is allowed and the petitioner is ordered to be released on bail on his furnishing personal as well as surety bonds to the satisfaction of learned trial Court/CJM/Duty Magistrate concerned, and subject to the condition that he shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case. He shall appear before the learned trial Court on each and every date of hearing except when his presence has been exempted by the trial Court. He shall surrender his passport, if any, furnish details of his cell phone and Aadhaar card, and shall not change his mobile number(s) during the pendency of the trial.

12. It is clarified that the observations made above shall not be construed as an expression of opinion of this Court on the merits of the case and shall not influence the outcome of the trial in any manner.

13.05.2026
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(MANISHA BATRA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No