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

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**CRM-M-5688-2026 (O&M)
Date of decision : 25.03.2026**

Akashdeep Singh @ Laddi**...Petitioner**

Versus

State of Punjab**...Respondent****CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present:- Mr. P. S. Sekhon, Senior Advocate with
Mr. Rajdeep Singh Gill, Advocate and
Mr. Gaurav, Advocate
for the petitioner.

Ms. Sakshi Bakshi, AAG, Punjab.

MANISHA BATRA, J.(Oral)

1. The instant one is the third petition that has been filed by the petitioner under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail in case bearing FIR No. 89 dated 12.06.2024, registered under Sections 22-C and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (*for short 'NDPS Act'*) at Police Station Jaito, District Faridkot. His first petition was dismissed by this Court on 29.04.2025 and second petition was dismissed as withdrawn on 29.10.2025.

2. Brief facts of the case relevant for the disposal of the present petition are that on 12.06.2024, co-accused Harmandeep Singh was apprehended by a police party headed by ASI Angrej Singh and recovery of 3000 tablets of Trekem-100 having salt of Tramadol Hydrochloride was effected from him. Since he could not produce any license or permit to keep in his possession the recovered drug, he was formally arrested at the spot. Upon

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interrogation on 13.06.2024, he disclosed that he had purchased the recovered contraband from the present petitioner. On the basis of the same, the petitioner was nominated in this case as an accused. The police was searching for the petitioner to arrest him in the present case. However, in the meantime, he was arrested in connection with a case bearing FIR No. 62 dated 18.10.2024, registered under Section 21 of the NDPS Act at Police Station Thulliwal, District Barnala and was confined in jail. Hence, he was taken into custody in the present case as well by way of production warrant. After completion of necessary investigation and usual formalities, *challan* was presented in the Court and presently, the petitioner along with the co-accused is facing trial for commission of aforementioned offences.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case on the basis of the disclosure statement of the above named co-accused, which cannot be considered to be admissible in evidence. No subsequent recovery was effected from him. He is in custody since long. There is prolonged pendency of the trial in the present case, and there is no likelihood of its conclusion in the near future, particularly as only 05 out of total 21 prosecution witnesses have been examined so far. Trial has also not progressed since the date of dismissal of his previous petitions. The extended period of his incarceration is a sufficient and new ground to seek concession of bail to him. His continued detention would not serve any useful purpose. With these broad submissions, it is urged that the petition deserves to be allowed.

4. Status report and custody certificate have been filed by respondent-State. It is argued by learned State counsel that taking into consideration the

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gravity of the allegations levelled against the petitioner, his criminal antecedents as well as the fact that commercial quantity of the contraband was recovered in this case, he does not deserve to be released on bail. Therefore, it is stressed that the petition does not deserve to be allowed.

5. This Court has heard learned counsel for the parties at considerable length.

6. The well settled proposition of law is that the Court while considering an application for grant of bail has to keep certain factors in mind, such as, whether there is a prima facie case or reasonable ground to believe that the accused has committed the offence; circumstances which are peculiar to the accused; likelihood of the offence being repeated; the nature and gravity of the accusation; severity of the punishment in the event of conviction; the danger of accused absconding or fleeing, if released on bail and reasonable apprehension of the witnesses being threatened. The period of incarceration is also relevant fact that is to be considered. It is also unequivocally established that, to be granted bail, the accused charged with offence under the provisions of NDPS Act must fulfill the conditions stipulated in Section 37 of the Act. A contention has been raised that the rigors of Section 37 of the NDPS Act are attracted in the present case as there is recovery of commercial quantity of contraband.

7. The case of the prosecution is that the name of the petitioner was disclosed by the above named co-accused, from whom recovery of commercial quantity of the contraband was effected. As per his disclosure statement, he had sourced the contraband from the petitioner. In ***Tofan Singh Vs. State of Tamil Nadu, (2021) 4 SCC 1***, it was observed by Hon'ble Apex Court that the disclosure statements made under Section 67 of NDPS Act, are inadmissible in

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evidence unless corroborated by independent material. While the veracity of the disclosure statement against the petitioner will be tested during the course of trial, however, at this stage, it cannot be ignored that no recovery was ever effected from the petitioner. The petitioner was arrested on 19.11.2024. There is nothing on record, at this stage, to connect the petitioner either with the subject crime or to show that he was connected with the co-accused in any manner at the relevant time. Investigation has been completed and challan has been filed. Conclusion of trial would take considerable time as only 05 out of total 21 prosecution witnesses have been examined so far. Pendency of one more case against the petitioner cannot be considered to be a ground for denying him benefit of bail in given circumstances. These factors, in the opinion of this Court, are sufficient grounds to move for bail afresh. The Hon'ble Apex Court has observed in a catena of cases that an accused cannot be kept in custody for an indefinite period of time, and the bail application can be considered on its own merits even if it is filed repeatedly. It has also been held that every day spent in custody can provide a new cause of action for filing a bail application under certain circumstances. This principle is a part of the broader approach emphasizing that law prefers bail over jail, aiming to balance the rights of the accused with the requirements of the criminal justice system. Prolonged detention itself is a ground for reconsideration of bail since the settled principle of law is that detention prior to trial should not become punitive. Keeping in view the aforesaid facts and circumstances, 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 to be released on regular bail, subject to his furnishing personal/surety

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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.

8. 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.

25.03.2026
Waseem Ansari

(MANISHA BATRA)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>