

2026.PHHC.044093



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-7358-2026

Rajan Bhatti

...Petitioner

Versus

State of Punjab

...Respondent

Sr. No.	Particulars	Details
1	The date when the judgment is reserved	18.03.2026
2	The date when the judgment is pronounced	20.03.2026
3	The date when the judgment is uploaded on the website	20.03.2026
4	Whether only operative part of the judgment is pronounced or 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. Edward Augustine George, Advocate for the petitioner.

Mr. Durgesh Garg, Assistant Advocate General, Punjab.

MANISHA BATRA, J :-

The present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short ‘BNSS’) by the petitioner seeking grant of regular bail in case bearing FIR No. 06 dated 23.08.2022 registered under Sections 153, 153-A, 212, 216 and 120-B of IPC and Section 21 of Narcotic Drugs and Psychotropic Substance Act, 1985 (for short ‘NDPS Act’) and Section 25 of Arms Act, 1959 at Police Station SSOC Mohali, District Mohali.

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2. As per the allegations, on 23.08.2022, a secret information was received to the effect that one Lakhbir Singh @ Landa then residing in Canada, was engaged in the business of supply of illicit arms and ammunition and funding by illegal means. It was also informed that he was a follower of Khalistan separatist ideology and in connivance with the present petitioner and co-accused Satnam Singh @ Satta, Gurlal Singh @ Lalli and some unknow persons had been intending to create disturbance in the name of religious in the instance of ISI by targeting the political leaders and leaders of religious organizations to disturb the peace of State of Punjab. FIR was registered.

3. During the course of investigation, a secret input was received to the effect that the petitioner and co-accused Lakhbir Singh @ Landa were harboured by accused Kamaljeet Singh and Harjasneet Singh Chahal by providing them shelter. Both Kamaljeet Singh and Harjasneet Singh Chahal were arrested. Accused Sukhwinder Singh @ Sikki was also arrested during the course of investigation. He suffered disclosure statement which revealed his deep-rooted connections with the gang of accused Lakhbir Singh @ Landa and also about the involvement of the petitioner. The petitioner was arrested on 08.02.2024. He too suffered disclosure statement and in pursuance thereof, 270 grams of heroin, two sophisticated pistols and drug money to the tune of Rs. 7,97,000/- were recovered. After completion of investigation against him, supplementary challan was presented.

4. It is argued by learned counsel for the petitioner that he has been

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falsely implicated in this case on the basis of disclosure statement allegedly suffered by accused Sukhwinder Singh @ Sikki, which cannot be considered to be admissible in evidence. A false recovery has been planted upon him. Most of the co-accused have been extended benefit of bail. On parity, he too deserves to be extended the same benefit. He is in custody for a period of over two years. There are no chances of conclusion of the trial in near future as even charges have not been framed against him so far. His involvement in other cases cannot be considered to be a reason for denying benefit of bail to him. It is, thus, argued that the petition deserves to be allowed.

5. *Per contra*, learned State counsel while relying upon the status report, has argued that the allegations against the petitioner are serious in nature as commercial quantity of contraband, illegal weapons and drug money had been recovered at his instance. He has a history of absconding from the process of law as he remained a fugitive for 14 months in this very case. He is a vital link in the Lakhbir Landa module involved in targeting political /religious leaders and smuggling arms/narcotics across the border. He is a habitual offender being involved in several other cases. He has also been convicted in several cases. There are chances of his absconding or committing similar offences, if extended benefit of bail. Therefore, it is stressed that the petition does not deserve to be allowed.

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

7. The petitioner was nominated in this case on the basis of

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disclosure statement of the co-accused. Recovery of commercial quantity of contraband, two illicit weapons and cash amount of Rs. 7,97,000/- is alleged to have been effected from him. The allegations *prima facie* make out a case for commission of offences punishable under Section 21 of NDPS Act and 25 of Arms Act. However, it is a matter of trial and only on through assessment of the evidence to be adduced during trial, any definite conclusion as to the petitioner's having committed any offences punishable under the provisions of Sections 153 and 153-A of IPC can be drawn. There is no allegation that he committed offences punishable under Sections 212 and 216 of IPC, as these offences are alleged to have been committed by the co-accused. He has been in custody for a period of more than 02 years and 01 month. There are no chances of conclusion of the trial in near future since even charges have not been framed so far and 16 prosecution witnesses are yet to be examined. The petitioner is shown to be involved in several other cases. He cannot be kept in custody for indefinite period only because of his involvement in the same. 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

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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 SCC Online SC 110***, wherein the Hon'ble Supreme Court had extended benefit of 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.

8. Reliance can also be placed upon ***Santosh Pawar Vs. State of Chhattishgarh & Anr., Criminal Appeal No.4883/2025***, which is a recently pronounced verdict of Hon'ble Supreme Court observing that rigours 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 above-mentioned case the Hon'ble Supreme Court of India 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.

9. 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

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Supreme Court of India, 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.

10. In the case of *Ismail Khan @ Pathan vs. State of Rajasthan Crminal Appeal No.4911 of 2025* with regard to recovery of commercial quantity of narcotic substance, the Hon'ble Supreme Court of India 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.

11. The similar benefit has been extended in another appeal i.e. *SLP No.15699-2025 titled as Ebrahim @ Ibrahim SK vs. The State of West Bengal* and in the case of *Pamesh Arora vs. UT Chandigarh Criminal Appeal No.4872 of 2025*.

12. 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 02 years and 01 month, the trial is not likely to be concluded in near future as most of the prosecution witnesses are yet to be examined; 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 the trial or will abscond.

13. In view of the above discussion, this Court is of the opinion that

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a case is made out for grant of bail to the petitioner at this stage. 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 the learned trial Court, 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 is 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.

14. 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.

15. Since the main petition has already been decided, pending application, if any, is rendered infructuous.

[MANISHA BATRA]
JUDGE

20th March, 2026
Parveen Sharma

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| 1. Whether speaking/ reasoned | : | Yes / No |
| 2. Whether reportable | : | Yes / No |