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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.9038 of 2026

Amandeep Singh @ Khalnayak ... Petitioner

Versus

State of Haryana and another ... Respondents

1.	The date when the judgment is reserved	23.04.2026
2.	The date when the judgment is pronounced	27.04.2026
3.	The date when the judgment is uploaded on the website	27.04.2026
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. Navreet Dhaliwal, Advocate,
Mr. Ajeetpal Singh Pakka, Advocate and
Mr. Gurwant Singh, Advocate,
for the petitioner.

Mr. Neeraj Poswal, AAG, Haryana,
for the respondent-State.

MANISHA BATRA, J.

1. The present petition has been filed by the petitioner under
Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (For short



“BNSS”) seeking regular bail in the FIR mentioned below:-

FIR No.	Dated	Police Station	Sections
0931	26.10.2022	Sirsa City, District Sirsa	21(c), 22 and 29 of Narcotic Drugs and Psychotropic Substances Act, 1985 (for short ‘NDPS Act’)

2. As per the allegations, on 26.10.2022, on receipt of an information to the effect that the accused Sonu @ Mirchi was involved in the business of sale of heroin and on that very day also, he was going to sell the contraband on his Hero Honda Activa vehicle and could be apprehended with the same, a raiding party was formed which reached at the informed place and apprehended the above named accused Sonu @ Mirchi. On conducting search, 260 grams of heroin kept in a transparent polythene wrapper was recovered from his conscious possession which was taken into custody by the police. Accused Sonu was arrested. On interrogation, he suffered disclosure statement to the effect that the recovered contraband had been given to him by accused Imran and Bewda who were nominated as additional accused. Subsequently, a Special Investigating Team was formed for conducting further investigation. It was revealed that infact the petitioner along with his brother Karandeep Singh @ Karan and co-accused Rahul Dhingra, Yogesh Sharma and Kamal was involved in the business of sale/purchase of contraband and since they were having enmity with the co-accused Sonu @ Mirchi who had got registered a case under Section 307 of IPC against the petitioner in the year 2020, therefore, to take revenge, the petitioner had hatched conspiracy with the other accused and had planted

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contraband in the house of accused Mirchi and had then given information to the police. The petitioner along with the others was nominated as accused and was arrested on 02.03.2023. He suffered disclosure statement admitting the factum of hatching conspiracy with the co-accused and planting contraband in the house of accused Sonu @ Mirchi. Other accused were subsequently arrested. Investigation now stands completed.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. He was not named in the FIR. There is no material on record to show that he had hatched any criminal conspiracy with the co-accused and had planted contraband in the house of Sonu @ Mirchi to falsely implicate him. The similarly situated co-accused have been extended benefit of bail. On parity, he too deserves to be extended the same benefit. He is in custody since long. No useful purpose would be served by detaining him in custody any more. There are no chances of conclusion of trial in near future. It is, therefore, argued that the petition deserves to be allowed.

4. Per contra, learned Assistant Advocate General, Haryana while relying upon the status report as well as the custody certificate has argued that there are serious allegations against the petitioner who is a habitual offender. At present also, he is involved in as many as 14 cases. He had been acquitted in some of the cases. There are chances of his committing similar offences or absconding, if extended benefit of bail. It is, therefore, argued that the petition does not deserves to be allowed.

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5. This Court has considered the rival submissions.

6. The petitioner is alleged to have hatched a conspiracy with the co-accused and in pursuance of the said criminal conspiracy, is further alleged to have planted commercial quantity of contraband in the house of Sonu @ Mirchi with whom he was having enmity, to falsely implicate him in this case. The allegations prima facie make out a case for commission of subject offence against him. However, he has been in custody for a period of about 03 years, 01 month and 27 days. There are no chances of conclusion of trial in near future as only 10 out of 25 prosecution witnesses have been examined so far. The involvement of the petitioner cannot be considered to be the only ground for denying benefit of bail to him. 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***

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(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.

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 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 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

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periods) of the Criminal Procedure Code, 1973 would apply.

9. In the case of ***Ismail Khan @ Pathan vs. State of Rajasthan Criminal 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.

10. The similar benefit has been taken 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***.

11. 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 03 years, 01 month and 27 days, the trial is not likely to be concluded in near future as only 10 out of 25 prosecution witnesses have been 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.

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

13. 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.

27.04.2026
manju

(MANISHA BATRA)
JUDGE

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