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

CRM-M-10807-2025 (O&M)

Deepak Garg ...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. Sandeep Wadhawan, Advocate
for the petitioner.

Mr. Roshandeep Singh, AAG, Punjab.

MANISHA BATRA, J.

- Prayer in this petition, filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, is for grant of regular bail to the petitioner in case bearing FIR No. 103, dated 13.08.2024, registered under Sections 21(c), 25 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (*for short 'NDPS Act'*) at Police Station Dugri, District Ludhiana.
- Brief facts of the case relevant for the purpose of disposal of the present petition are that the aforementioned FIR was registered on the allegations that on 13.08.2024, on the basis of secret information, co-accused

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Jasjot Singh @ Jot and Khushmandar Singh @ Mandar were apprehended by a police party while they were coming on a scooter bearing registration number PB-10-JC-4192. On conducting search, recovery of 21000 tablets of Alprasafo 0.5 (Alprazolam) along with drug money of Rs. 15,050/- was effected from them. Since they could not produce any valid license or permit to keep in their possession the recovered drug, they were formally arrested at the spot. Upon interrogation, they nominated Sandeep Singh, Savita Garg and her son Deepak Garg (petitioner herein) as the persons, who were supplying intoxicant tablets to them. On the basis of the same, the petitioner was nominated in this case as an accused and was arrested on 13.08.2024. At his instance, recovery of 1050 tablets containing Alprazolam was effected. 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 statements of the abovenamed co-accused, which cannot be considered to be admissible in evidence. A false recovery was planted upon him. He is in custody since long. He has clean antecedents. He was in fact taken into illegal detention on the intervening night of 12/13.08.2024 by the officials of CIA from his house. There are several discrepancies in the investigation, which clearly established false implication of the petitioner and his entire family. He is a licensed chemist. He has clean antecedents. Even otherwise, investigation has since been completed and *challan* has been filed. Conclusion of trial is likely to take considerable time as only 04 out of total 20 prosecution witnesses have been

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examined so far. Prolonged incarceration of the petitioner entitles him to seek concession of bail. No useful purpose would be served by keeping him in custody anymore. Similarly situated co-accused Savita Garg and Sandeep Singh have already been granted concession of regular bail by this Court, vide orders dated 05.02.2026 and 16.03.2026 passed in **CRM-M-69574-2025** and **CRM-M-58404-2025**, respectively. On parity, the petitioner too deserves to be given the same benefit. Therefore, it is urged that the petition deserves to be allowed and the petitioner deserves to be released on regular bail.

4. Reply has been filed by the respondent-State. It is submitted by learned State counsel that keeping in view the gravity of the allegations levelled against the petitioner, he is not entitled to get benefit of bail. Hence, it is urged that the petition is liable to be dismissed.

5. This Court has heard the rival submissions.

6. Initially, the petitioner was nominated in this case on the basis of the disclosure statements of abovenamed co-accused. However, on his apprehension by the police, subsequent recovery of 1050 tablets of Alprazolam was effected from him. Though, the allegations prima facie make out a case for commission of subject offences against the petitioner, however, on a perusal of the record, it is apparent that there are no chances of conclusion of the trial in near future and it will take considerable time as substantive number of the prosecution witnesses are yet to be examined. Similarly situated co-accused Sandeep Singh, who was also nominated in this case on the basis of the disclosure statements of abovenamed co-accused and from whom recovery of 600 tablets of Alprazolam was effected, has already been granted concession of regular bail by this Court. Even co-accused Savita Garg, who is mother of the

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present petitioner, has also been granted concession of bail by this Court. The petitioner has remained in custody since long. 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 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 of India 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***, 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

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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 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 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 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***.

11. On analysing 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, the trial is not likely to be

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concluded in near future as mentioned above and co-accused have already been granted concession of bail by this Court. The petitioner has clean antecedents. In view thereof, this Court is of the considered opinion that 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 or indulge in similar offences. 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 has been exempted by the trial Court. He shall surrender his passport, if any, furnish details of his cell phone and Aadhar card, and shall not change his mobile number(s) during the pendency of the trial.

12. 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.

20.03.2026

Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No