

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-11814-2026

Gurmeet Singh
Versus
State of Punjab
...Petitioner
...Respondent

Sr. No.	Particulars	Details
1	The date when the judgment is reserved	06.04.2026
2	The date when the judgment is pronounced	07.04.2026
3	The date when the judgment is uploaded on the website	07.04.2026
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

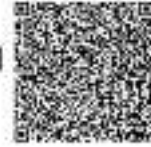
CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Ranwant Singh Sangha, Advocate for the petitioner.
Mr. Roshandeep Singh, Assistant Advocate General, Punjab.

MANISHA BATRA, J :-

The instant one is the second petition 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. 85 dated 12.09.2024 registered under Section 21(c) of Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, ‘NDPS Act’) at Police Station Sadar Jalalabad, District Fazilka. His previous petition bearing CRM-M

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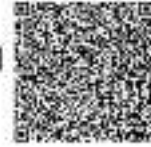


No.41207-2025 had been dismissed as withdrawn vide order dated 31.10.2025.

2. As per the allegations, on 12.09.2024, on receipt of a secret information, a police party headed by ASI Amrik Singh had reached at the informed place and apprehended the present petitioner as well as co-accused Gursewak Singh, Balwinder Singh and Vikram Singh, who disclosed their names and particulars. Accused Balwinder Singh and Gursewak Singh were carrying black colour polythene bag in their hands. On conducting search of the bag held by Gursewak Singh 432 grams of heroin was recovered from the same, whereas drug money to the tune of Rs. 3,00,000/- was recovered from the polythene bag found in custody of the co-accused Balwinder Singh. They along with the present petitioner and co-accused Vikram Singh were taken into custody and were 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. No recovery has been effected from the petitioner. The recovery of any contraband, if effected, was in fact from the possession of co-accused Gursewak Singh and the alleged drug money was recovered from co-accused Balwinder Singh and not from the petitioner. He is in custody since long. The trial will take considerable time to conclude. Each day spent by him in custody has given rise to a fresh cause of action for seeking bail. His further incarceration would not serve any useful purpose. Co-accused Balwinder Singh has been extended benefit of regular bail. On parity, he too deserves to be released on bail. It is, therefore, argued that the

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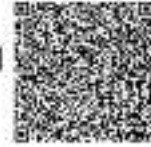
petition deserves to be allowed.

4. *Per contra*, learned State counsel while relying upon the status report has argued that keeping in view the gravity of the allegations levelled against the petitioner, the fact that commercial quantity of contraband was recovered along with the drug money in this case, the petitioner does not deserve to be released on bail. There are chances of his absconding or committing similar offences, if extended benefit of bail. Therefore, it is urged that the petition does not deserve to be allowed.

5. This Court has heard the rival submissions made by learned counsel for the parties at considerable length.

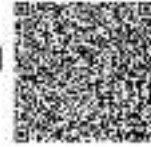
6. The petitioner was apprehended along with the abovenamed co-accused. The recovery of 432 grams of heroin and drug money to the tune of Rs. 3,00,000/- has been effected from the possession of the co-accused which is presumed to be in joint conscious possession of the present petitioner as well. The allegations *prima facie* make out a case for commission of subject offences against the petitioner as well, however, he has been in custody since long. The chances of conclusion of trial in near future are bleak as none out of 11 prosecution witnesses has been examined. It has been well settled now that even a person accused under the provisions of NDPS Act is not precluded from claiming bail invoking parameters of Article 21 of Constitution of India. Prolonged incarceration militates against the most precious fundamental right guaranteed under Article 21 of Constitution of India. The petitioner is in custody for over a period for over 01 year, 06 months

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and 26 days. This factor, in the opinion of this Court, is a ground 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. Trial is likely to take time to conclude as none of the prosecution witness has been examined so far. 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.***

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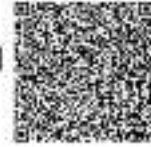


State of West Bengal, Special Leave Petition (Criminal) No.8656 of 2023 decided on 14.09.2023 ***and Rabi Prakash v. State of Odisha, 2023 SCC Online SC 110***, wherein the Hon'ble Supreme Court had extended benefit of bail to the accused who had been incarcerated for a long period by observing that 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.

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 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.

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 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

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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 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 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 *Pamash 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 over a period of two years, one month, and four days, the trial is not likely to be concluded in near future as all 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.

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 the

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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 Aadhar 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.

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

[MANISHA BATRA]
JUDGE

7th April, 2026
Parveen Sharma

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