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

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**CRM-M No.14903 of 2026
Date of Decision: 30.04.2026**

Harpreet Singh @ Happy

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Parminder Singh Sekhon, Senior Advocate with
Ms. Nitika Sekhon, Advocate and
Ms. Shefali, Advocate,
for the petitioner.

Mr. Roshandeep Singh, AAG, Punjab,
for the respondent-State.

MANISHA BATRA, J. (Oral)

1. The instant one is the third petition as filed by the petitioner under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (For short "BNSS") seeking regular bail in case arising out of FIR No.69 dated 24.04.2024 registered under Sections 22 and 29 of Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS Act') at Police Special Task Force Sector 79 Sohana, District SAS Nagar (Mohali). The previous two petitions as filed by him, has been dismissed as withdrawn.

2. As per the allegations, on 24.04.2024, on receipt of a secret information to the effect that the petitioner was involved in sale of

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intoxicant tablets and on that very day also, he was to go to Sangrur City from his village while carrying intoxicant tablets in huge quantity and could be apprehended. A raiding party was formed which reached at the informed place and apprehended the petitioner. On conducting search, 80 strips of intoxicant tablets make Tramadol containing 800 tablets were recovered from his conscious possession. The motorbike used by him was also taken into custody. On interrogation, the petitioner suffered disclosure statement admitting his involvement in the crime and further got recovered 400 tablets of Tramadol in pursuance of the said disclosure statement which too were taken into possession. On his disclosure, Kamaldeep Singh @ Kamal was nominated as accused and was subsequently arrested. On his disclosure statement, 16600 intoxicant tablets were recovered at his instance. Investigation now stands concluded.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. He is in custody for over a period of two years. The trial will take considerable time to conclude as only 07 witnesses have been examined so far. Each day spent by him in custody has furnished a reason to him to seek concession of bail. His continued detention is not going to serve any fruitful purpose. His antecedents are clean. It is, thus, argued that the petition deserves to be allowed.

4. To buttress his argument, learned counsel for the petitioner has placed on record copies of recent orders passed by Hon'ble Supreme Court in SLP (Crl.) No.2595 of 2026 titled as ***Chhote alias Islamuddin v. The***

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State of Madhya Pradesh; Criminal Appeal No.2159 of 2026 titled as *Subhasis Halder and another v. The State of West Bengal*; SLP (Crl.) No.3135 of 2026 titled as *Shivdhyan Kumar @ Mistri Yadav v. State of Chhattisgarh* and SLP (Crl.) No.2657 of 2026 titled as *Sunny v. State of NCT of Delhi*.

5. Per contra, learned State counsel while placing on record status report and custody certificate has vehemently argued that the allegations against the petitioner are quite serious in nature. Rigors of Section 37 of NDPS Act are attracted in this case. The trial may be expedited. The instant one is a successive petition and hence is not maintainable. It is, therefore, stressed that the petition does not deserve to be allowed.

6. The petitioner is in custody since 24.04.2024. The allegations make out a prima facie case for commission of subject offence against him. However, only 07 prosecution witnesses have been examined so far. Meaning thereby that trial will still take time to conclude. So far as the maintainability of the petition is concerned, it may be mentioned that an accused has a right to make successive applications for grant of bail, and it is the duty of the Court, while entertaining such a subsequent bail application, to consider the reasons and grounds on which the earlier bail petition was rejected. The fresh grounds which persuade the Court to take a view different from the one taken in the earlier application are also required to be recorded. Reference in this regard can be made to *Prasad Shrikant Purohit v. State of Maharashtra (2018) 11 SCC 458*, wherein it was so observed. It

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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 Live Law (SC) 533***, 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 rigors of Section 37 of NDPS Act will not be a

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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 abovementioned 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***. Similar was the position in the cases as cited by learned counsel for the petitioner.

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11. The previous two petitions of the petitioner was dismissed as withdrawn on 10.01.2025 and 22.12.2025 respectively. Trial has not progressed much thereafter. 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 02 years and 06 days, the trial is not likely to be concluded in near future; 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. As such, the prolonged detention of the petitioner amounts to drastic change in circumstances extending fresh ground to petitioner to seek bail.

12. In view of the above discussion, this Court is of the considered opinion that a case is made out for grant of bail to the petitioner. 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

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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.

30.04.2026
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(MANISHA BATRA)
JUDGE

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