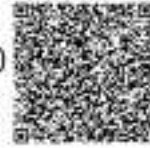


**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

2026:PHHC:051970



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**CRM-M-16871-2026 (O&M)
Date of decision: 06.04.2026**

Kuldeep Singh @ Keepa**... Petitioner**

Versus

State of Punjab**... Respondent****CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present: Mr. Karan Kapoor, Advocate
for the petitioner.

Ms. Sakshi Bakshi, AAG, Punjab.

Manisha Batra, J. (Oral).

1. The instant one is the third petition that has been filed by the petitioner under Section 483 of Bharatiya Nagarik Suraksha Sanhita for grant of regular bail in case arising out of FIR No.90, dated 19.04.2022, registered under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (*for short 'NDPS Act'*) at Police Station Jandiala, District Amritsar (Rural). His previous two petitions were dismissed by this Court on 07.11.2024 and 10.09.2025, respectively.

2. As per the allegations, on 19.04.2022, while performing patrolling duty, a police party headed by ASI Harjinder Singh posted at Police Station Jandiala, District Amritsar Rural found the petitioner and co-accused Gurdeep Singh @ Bheekh to be coming from Jalandhar town side. On noticing the police officials, they became perplexed, turned back and the petitioner took out a wax envelope from the right pocket of his pant and both

of them tried to flee. On suspicion, they were apprehended. On asking, they disclosed their names and particulars. Co-accused was also carrying an envelope. On checking the envelope thrown by the petitioner, it was found to be having 450 intoxicating tablets, whereas 400 intoxicating tablets were recovered from the envelope, which was found in conscious possession of the co-accused. The recovered tablets were taken into possession by the police officials. The petitioner and co-accused were formally arrested. Investigation now stands completed.

3. Learned counsel for the petitioner has argued that he has been falsely implicated in this case. A false recovery has been planted upon him. He is languishing in jail for the last more than 02 years and 05 months. There are no chances of conclusion of the trial which is proceeding at a snail's pace. His continued detention would not serve any useful purpose. He cannot be denied benefit of bail on account of his involvement in other cases. His prolonged incarceration militates against his fundamental right enshrined under Article 21 of the Constitution of India. Similarly situated co-accused Gurdeep Singh @ Bheekh has already been granted concession of regular bail by this Court, vide order dated 23.03.2026 passed in **CRM-M-56951-2025**. On parity, the petitioner too deserves to be given the same benefit. No useful purpose would be served by keeping him in custody anymore. It is, therefore, argued that the petition deserves to be allowed.

4. *Per contra*, learned State counsel while relying upon the status report has argued that the allegations against the petitioner are serious in nature. Commercial quantity of contraband had been recovered from him and co-accused. The petitioner is a habitual offender. Rigors of Section 37 of the NDPS Act are attracted in this case. There are chances of his absconding or

committing similar offences if extended benefit of bail. It is, therefore, 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.

6. The petitioner had been arrested in this case on 19.04.2022. He was granted concession of interim bail and had surrendered back after receipt of the FSL report. He has undergone actual custody of 02 years, 05 months and 14 days as an under-trial. The trial is likely to take considerable time to conclude as only 02 out of 08 prosecution witnesses have been examined so far. These factors, in the opinion of this Court, are new grounds 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. 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. 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 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 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 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, the trial is not likely to be concluded in near future, similarly situated co-accused has already been granted concession of regular bail by this Court, 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 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.

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.

06.04.2026
Waseem Ansari

(MANISHA BATRA)
JUDGE

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