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

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**CRM-M-16877-2026 (O&M)
Date of decision: 17.04.2026**

DEEPAK KUMAR

.....PETITIONER

Versus

STATE OF PUNJAB

. RESPONDENT

CORAM: HON'BLE MR.JUSTICE SURYA PARTAP SINGH

Present: Mr. Rhythem Bajaj, Advocate
for the petitioner.

Mr. I.P.S. Sabharwal, DAG, Punjab.

SURYA PARTAP SINGH, J.**CRM-13446-2026**

Allowed as prayed for.

Main case

1. This petition for bail is the first petition, filed by the petitioner under Section 483 of 'the Bharatiya Nagarik Suraksha Sanhita, 2023'. This petition has been filed with regard to a case arising out of FIR No.0255 dated 11.10.2025 for the commission of offence punishable under Sections 20, 22, 29 of Narcotic Drugs and Psychotropic Substances Act, 1985 and Section 52-A(1) of the Prisons (Punjab Amendment) Act, 2011, Police Station Division



No.7, District Police Commissionerate, Ludhiana.

2. Briefly stating the facts emerging from record are that the FIR of this case came into being on the basis of a letter sent by the office of Superintendent of Central Jail, Ludhiana to Assistant Commissioner of Police, Ludhiana East. Vide above-mentioned letter, it was informed that on 11.10.2025 at about 03:30 P.M., the CRPF officials, deployed on duty in jail, had conducted a search and during search they found two packets concealed in a black coloured LED. According to above-mentioned letter when the contents of above-mentioned packets were checked, it was found that there were two types of intoxicating substances in the above-mentioned packets, weighing 84 grams and 121.71 grams respectively.

3. It is the case of the prosecution that in view of above-mentioned letter, formal FIR of this case was lodged and the above-mentioned contraband was duly seized and the samples were sent to FSL. As per FSL report the contents of the above-mentioned contraband were Charas and Heroin, i.e. 121.71 grams of Charas and 84 grams of Heroin.

4. It has been further alleged by the prosecution that on the basis of above-mentioned FIR when the investigation was taken up, during the course of investigation the statement of accused 'Ferozedeem' was recorded, who had revealed that the above-mentioned contraband was being smuggled into the jail premises in connivance with the present petitioner.

5. Heard.

6. The record has been perused carefully.

7. A perusal of record shows that in the present case, following are the relevant factors which are required to be taken into consideration for a



decision: -

- i) that the petitioner is already in custody for a period of more than six months;
- ii) that nothing has been left to be recovered from the possession of petitioner;
- iii) that the quantity of recovered contraband comes within the ambit of non-commercial quantity;
- iv) that the only evidence collected against the petitioner is the disclosure statement of co-accused. There is a question mark with regard to admissibility of above-mentioned disclosure statement in evidence, as the same was recorded when the co-accused was already in custody and pursuant to above-mentioned disclosure statement nothing incriminating has been recovered. Thus the above-mentioned disclosure statement appears to be hit by Section 23 of Bharatiya Sakshya Adhiniyam;
- v) that the trial is not likely to be concluded in near future;
- vi) that the detention of petitioner in judicial lock-up is not likely to serve any useful purpose;
- vii) that there is nothing on record to show that if released on bail, the petitioner may tamper with the evidence or influence the witnesses;
- viii) that there is nothing on record to show that if released on bail, the petitioner will not co-operate/participate in the trial.

8. In the present case, the principles of law laid down by the Hon'ble Supreme Court of India in the case of 'Dataram versus State of Uttar Pradesh and another', (2018) 3 SCC 22, are relevant, wherein it has been observed that "a fundamental postulate of criminal jurisprudence is the presumption of innocence, meaning thereby that a person is believed to be innocent until found guilty. However, there are instances in our criminal law where a reverse onus



has been placed on an accused with regard to some specific offences but that is another matter and does not detract from the fundamental postulate in respect of other offences. Yet another important facet of our criminal jurisprudence is that the grant of bail is the general rule and putting a person in jail or in a prison or in a correction home (whichever expression one may wish to use) is an exception. Unfortunately, some of these basic principles appear to have been lost sight of with the result that more and more persons are being incarcerated and for longer periods. This does not do any good to our criminal jurisprudence or to our society. There is no doubt that the grant or denial of bail is entirely the discretion of the judge considering a case but even so, the exercise of judicial discretion has been circumscribed by a large number of decisions rendered by this Court and by every High Court in the country. Yet, occasionally there is a necessity to introspect whether denying bail to an accused person is the right thing to do on the facts and in the circumstances of a case”.

9. The principles laid down by the Hon’ble the Supreme Court of India in the case of ‘Satender Kumar Antil Vs. Central Bureau of Investigation and Another’ (2022) 10 SCC 51, are also relevant in this case. In the abovementioned case, it has been observed that “the rate of conviction in criminal cases in India is abysmally low. It appears to us that this factor weighs on the mind of the Court while deciding the bail applications in a negative sense. Courts tend to think that the possibility of a conviction being nearer to rarity, bail applications will have to be decided strictly, contrary to legal principles. We cannot mix up consideration of a bail application, which is not punitive in nature with that of a possible adjudication by way of trial. On the



contrary, an ultimate acquittal with continued custody would be a case of grave injustice”.

10. Recently, in the case of ‘Tapas Kumar Palit Vs. State of Chhattisgarh’, 2025 SCC Online SC 322, the Hon’ble Supreme Court of India has observed that “if an accused is to get a final verdict after incarceration of six to seven years in jail as an undertrial prisoner, then, definitely, it could be said that his right to have a speedy trial under Article 21 of the Constitution has been infringed”. It has also been observed by the Hon’ble Supreme Court of India in the abovementioned case that “delays are bad for the accused and extremely bad for the victims, for Indian society and for the credibility of our justice system, which is valued. Judges are the masters of their Courtrooms and the Criminal Procedure Code provides many tools for the Judges to use in order to ensure that cases proceed efficiently”.

11. To elucidate further, this Court is conscious of the basic and fundamental principle of law that right to speedy trial is a part of reasonable, fair and just procedure enshrined under Article 21 of the Constitution of India. This constitutional right cannot be denied to the accused as mandated by Hon’ble Apex court in “Balwinder Singh versus State of Punjab and Another”, 2024 SCC Online SC 4354.

12. If the cumulative effect of all the abovementioned factors, involved in the instant case, is taken into consideration, it leads to a conclusion that the petitioner is entitled for the benefit of bail, and that the present petition deserves to be allowed.

13. Accordingly, without commenting anything on the merits of the case, the present petition is hereby **allowed**. The petitioner is hereby ordered to

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be released on bail on furnishing personal bond and surety bond(s) to the satisfaction of learned trial Court. However the abovesaid concession shall be subject to following conditions:-

- (i) that the petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, so as to dissuade him to disclose such facts to the Court or to any other authority.
- (ii) that the petitioner shall at the time of execution of bond, furnish the address to the Court concerned and shall notify the change in address to the trial Court, till the final decision of the trial; and
- (iii) that the petitioner shall not leave India without prior permission of the trial Court.

(SURYA PARTAP SINGH)
JUDGE

17.04.2026*vipin*

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