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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****CRM-M-20946-2026****Date of Decision: 03.07.2026****NARINDERPAL SINGH****...Petitioner****Vs.****STATE OF PUNJAB****...Respondent****CORAM:- HON'BLE MR. JUSTICE VIRINDER AGGARWAL**

Present: Mr. Gurpal Singh Sandhu, Advocate
for the petitioner. (Through Video Conferencing)

Ms. Navreet Kaur, AAG, Punjab.

VIRINDER AGGARWAL, J. (Oral)

1. The present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, seeking the grant of regular bail to the petitioner during the pendency of the trial in FIR No. 0082 dated 05.07.2024, registered under Sections 22, 27 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985, at Police Station Boha, District Mansa (Annexure P-1), in the interest of justice.

2. As per the prosecution version, the police party while on patrol duty allegedly apprehended the petitioner coming from the opposite direction carrying an envelope in his hand, which contained intoxicant vials. It is further alleged that on seeing the police party, the petitioner attempted to throw away the envelope, which got torn and from which 09 vials of "Wincerex Cough Syrup" were recovered. On the basis of these allegations, the present FIR came to be registered against the petitioner and the co-accused.

3. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case and that the alleged recovery of 09

intoxicant vials of “Wincerex Cough Syrup” containing Codeine phosphate salt is neither from his conscious possession nor is it supported by any independent or credible evidence. It is contended that the entire prosecution story is based upon a doubtful version of the police officials and suffers from material inconsistencies. It is further submitted that the petitioner was allegedly apprehended on 05.07.2024 while carrying an envelope, which is stated to have torn during an alleged attempt to discard it, leading to recovery of the alleged contraband. Learned counsel submits that the said version is highly improbable, unnatural and has been concocted only to falsely implicate the petitioner in the present case. Learned counsel further submits that no independent public witness has been associated at the time of alleged recovery despite availability and the entire case rests solely on official witnesses. Learned counsel further submits that the alleged recovery is of non-commercial quantity, and therefore the rigours of Section 37 of the NDPS Act are not attracted in the present case. It is contended that the petitioner does not fall within the category of habitual offender and is entitled to consideration for regular bail on this ground alone. Learned counsel finally submits that the petitioner is in custody since the date of arrest, the investigation stands completed, and his further incarceration would serve no useful purpose. It is, therefore, prayed that the petitioner be released on regular bail.

4. Notice of motion.

5. Ms. Navreet Kaur, AAG, Punjab has put in appearance on behalf of the respondent-State and has filed the custody certificate dated 02.07.2026, which is taken on record, subject to all just exceptions. As per the custody

certificate, the petitioner has already undergone a total custody period of 01 year and 02 days.

6. Learned State counsel opposes the grant of regular bail by stating that petitioner along with co-accused Bhupinder Singh, was apprehended on 05.07.2024 and 09 bottles of “Wincerex Cough Syrup” were recovered from their conscious possession and chemical examiner’s report confirms presence of Codeine Phosphate, and the recovered quantity falls within the ambit of commercial quantity, thereby attracting Section 37 of the NDPS Act.

7. Be that as it may, considering the custody period already undergone by the petitioner, i.e. 01 year and 01 day, and the fact that investigation stands completed, challan has been presented and charges have been framed, it is evident that the trial is likely to take some time to reach its logical conclusion.

8. Reliance is placed upon the judgment of the Hon’ble Apex Court in *Dataram Singh v. State of Uttar Pradesh & Another*, 2018 (2) R.C.R. (Criminal) 131, wherein it has been held that grant of bail is the rule and refusal thereof is an exception, and that a person is presumed to be innocent until proven guilty. It is further submitted that the right to speedy trial forms an integral part of the right to life and personal liberty guaranteed under Article 21 of the Constitution of India, and the same has been consistently recognised by the Hon’ble Supreme Court, including in *Balwinder Singh v. State of Punjab & Another* (SLO (CrI.) No. 8523/2024). In the present case, the trial is likely to consume considerable time before reaching its logical conclusion. In these circumstances, continued incarceration of the petitioner

would serve no useful purpose, particularly when the trial can be effectively safeguarded by imposing appropriate conditions.

9. Accordingly, the present petition is allowed, and the petitioner is ordered to be admitted on regular bail, subject to furnishing requisite bail and surety bonds to the satisfaction of the learned Chief Judicial Magistrate concerned/Illaqa Magistrate/Duty Magistrate, as the case may be, and further subject to the following conditions:-

1. The petitioner shall not, directly or indirectly, make any inducement, threat, or promise to any person acquainted with the facts and circumstances of the case so as to dissuade such person from disclosing such facts before the Court or to the investigating agency.

2. The petitioner shall not tamper with the prosecution evidence in any manner whatsoever, nor shall attempt, directly or indirectly, to influence, intimidate, or contact any prosecution witness.

3. The petitioner shall not leave the territorial limits of India without obtaining the prior permission of the learned Trial Court. In the event he is in possession of a passport, he shall furnish its particulars before the Investigating Officer as well as the learned Trial Court.

4. The learned Illaqa Magistrate/Duty Magistrate, before accepting the bail and surety bonds, shall obtain from the petitioner his permanent residential address as well as present correspondence address, duly supported by appropriate documentary proof. The Investigating Officer shall verify the correctness of the said addresses within 48 hours from the acceptance of the bail bonds and shall place a verification report on the record. In the event either of the addresses is found to be false, fictitious, or incorrect, it shall be open to the prosecution to seek cancellation of the concession of bail in accordance with law.

5. The petitioner shall furnish before the learned Trial Court, either at the time of furnishing the bail bonds or within such period as may be specified by the Court, Permanent Account



Number (PAN), Aadhaar Number, particulars of all operative bank accounts, and a declaration disclosing details of immovable properties, if any. Any concealment of material particulars or furnishing of false information shall constitute a valid ground for seeking cancellation of bail in accordance with law.

6. The petitioner shall intimate the Investigating Officer as well as the learned Trial Court, in writing, of any change in residential address or mobile number within seven days from the date of such change.

7. The petitioner shall not commit any offence of a similar nature during the pendency of the trial and shall remain present before the learned Trial Court on each and every date fixed, unless his personal appearance is exempted in accordance with law. He shall not absent himself from the proceedings without obtaining prior permission of the learned Trial Court. In the event of any violation of the aforesaid conditions or his unauthorized absence from the trial proceedings, it shall be open to the learned Trial Court to proceed in accordance with law, including cancellation of the concession of regular bail and issuance of appropriate coercive process, including warrants of arrest.

(VIRINDER AGGARWAL)
JUDGE

03.07.2026

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