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

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CRM-M-21544-2026 (O&M)
Date of decision: 03.07.2026

Akashdeep Singh @ Arshdeep Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Ashok Giri, Advocate
for the petitioner.

Ms. Sakshi Bakshi, AAG, Punjab.

MANISHA BATRA, J. (Oral)

1. The instant one is the second petition that has been filed by the petitioner under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail to him in case bearing FIR No. 30 dated 07.03.2024, registered under Sections 21 and 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (*for short* 'NDPS Act') and Section 25 of the Arms Act, 1959 [Offences under Section 21(c), 22 and 29 of the NDPS Act, Sections 25(1B)a, 25(7), 25(8), 29 and 30 of the Arms Act and Sections 353, 186 and 307 of the IPC were added later on] at Police Station Shahkot, District Jalandhar. His previous petition was dismissed as withdrawn on 19.12.2025.

2. Brief facts of the case relevant for the disposal of the present petition are that on 07.03.2024, a secret information was received by ASI Parvinder Singh to the effect that co-accused Vikas @ Vicky Pahalwan @

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Bhalwan, petitioner Akashdeep Singh @ Arsh, Pardeep and Gurpreet @ Gopi were indulged in the business of sale of heroin and illegal weapons in the area of Shahkot and were also involved in offences of snatching. Believing the information to be reliable, a police party headed by Inspector Yadwinder Singh reached at the informed place. Two persons were seen coming, who on seeing the police party ran into the street. Thereafter, both of them ran in different directions and the police officials started chasing them. The person, who was being chased by Inspector Yadwinder Singh, fired a shot with his country made pistol upon the police officials but it did not hit anyone. In retaliation, Inspector Yadwinder Singh also fired a shot, which hit on the right leg of that person and he fell down. On inquiry, he disclosed his name as 'Vikas @ Vicky Bhawan'. A country made pistol and 04 live cartridges were recovered from him. The second person was also apprehended by the police party headed by ASI Mandeep Singh. On inquiry, he disclosed his name as 'Arshdeep Singh @ Arsh' i.e. the present petitioner. On his search, 260 grams of heroin and drug money of Rs.21,000/- was recovered from him. During investigation, some other persons were also nominated in the case. After completion of necessary investigation and usual formalities, *challan* was presented before the Court and presently, the petitioner along with the co-accused is facing trial for commission of aforementioned offences.

3. Learned counsel for the petitioner has argued that the petitioner has been falsely implicated in this case. He is in custody for the last 02 years, 03 months and 21 days. No one had sustained any injury in the incident. Even otherwise, investigation has since been completed and *challan* has been

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presented. The trial is likely to take time to conclude. No useful purpose would be served by keeping the petitioner in custody anymore. Co-accused Vikas @ Vicky Pahlwan, Gurpreet Singh @ Gopi, Pardeep Kumar and Happy have already been granted concession of regular bail by this Court. On the grounds of parity, the petitioner too deserves the same benefit. It is, therefore, urged that the petition deserves to be allowed and the petitioner deserves to be released on bail.

4. Status report along with custody certificate of the petitioner has been filed by the respondent-State. Learned Assistant Advocate General, Punjab has argued that keeping in view the gravity of the allegations levelled against the petitioner as well as his criminal antecedents, he is not entitled to get benefit of bail. Hence, it is urged that the petition is liable to be dismissed.

5. This Court has heard the rival submissions.

6. As per the allegations, the petitioner along with the co-accused was involved in illegal activities of sale/purchase of heroin and illegal weapons. The petitioner was apprehended on 07.03.2024. During the process of his arrest by the police, co-accused is stated to have fired upon the police officials but it is an admitted position that no injury was sustained by any of the police officials. Though, the allegations prima facie make out a case for commission of subject offences against the petitioner, however, on a perusal of the record, it is apparent that there are no chances of conclusion of the trial in near future and it will take considerable time as most of the prosecution witnesses are yet to be examined. The petitioner has remained in custody since long. 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.

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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 of India 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 the order dated 14.11.2025 passed by the Hon'ble Supreme Court in ***Santosh Pawar Vs. State of Chhattishgarh & Anr., Criminal Appeal No.4883/2025***, wherein it was observed 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

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commercial quantity of narcotic substance, was entitled for bail in view of her incarceration for a period of 19 months.

8. Similarly in ***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 and co-accused have already been granted concession of regular bail. In view thereof, this Court is of the considered opinion that the

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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 or indulge in similar offences. 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 has been 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.

12. It is made clear that any observation made herein above is only for the purpose of deciding the present petition and the same shall have no bearing on the merits of the case.

03.07.2026
Waseem R. Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No