



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

CRM-M-23407-2026

Date of decision: 4.5.2026

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....Petitioner

versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present:- Mr. Siddharth Pandit, Advocate for the petitioner.

Mr. Hemant Aggarwal, DAG, Punjab.

SUMEET GOEL, J. (ORAL)

Present petition has been filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') for grant of regular bail to the petitioner in case bearing FIR No.0013 dated 20.1.2026, registered for the offences punishable under Sections 21 and (Section 29 added later on) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS Act'), at Police Station Rahon, District SBS Nagar.

2. The gravamen of the FIR in question is that the present FIR was registered against one Shamsher Singh @ Kamal who was arrested on the spot and 298 grams heroin was recovered from him. During interrogation said Shamsher Singh @ Kamal has suffered confessional statement that he had taken the heroin from the petitioner (*herein*).

3. Learned counsel for the petitioner has iterated that the petitioner is in custody since 20.01.2026. Learned counsel has argued that the petitioner has been falsely implicated into the FIR in question. Learned counsel has further iterated that the mandatory provisions of the NDPS Act have not scrupulously been complied with, and thus, the prosecution case suffers from inherent defects. Learned counsel has argued that, as per the prosecution version, 298 grams heroin was recovered from the co-accused of the petitioner, but the Forensic Science Laboratory (FSL) report has not been received so far. In this regard, learned counsel has placed reliance upon a *dicta* of a judgment of a Division Bench of this Court passed in ***Inderjeet Singh @ Laddi and others versus State of Punjab, 2014 (3) RCR (Criminal) 953***, wherein, it has been held as under:

“5. The learned Single Judge after considering the rival contentions found that the question whether such substances/drugs are covered under the NDPS Act or not, or can be dealt with only under the D&C Act has been arising frequently in many cases. The consequences would be completely different if the substances were held to be within the purview of the D&C Act instead of the NDPS Act. The matter was, therefore, referred to a larger bench. Meanwhile, the petitioner was ordered to be released on interim bail to the satisfaction of the learned trial Court/Chief Judicial Magistrate/Duty Magistrate, Ludhiana.

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53. Indeed the delay in testing the sample does result in prejudice to an alleged offender as till the results are available there can be no definite certainty with regard to the contraband in respect of which there has been a contravention or that has been recovered. In such cases to await the outcome of the final FSL report where there is likely to be delayed, the accused may be released on interim bail. In ***Sukhwant Singh v. State of Punjab, 2009(4) RCR (Criminal) 868 : (2009) 7 SCC 539***, it has been held by the Hon'ble Supreme Court as follows:

..... following the decision of this Court in ***Kamlendra Pratap Singh v. State of U.P., 2009(3) RCR (Criminal) 401 : 2009(4) Recent Apex Judgments (R.A.J.) 151 : (2009) 4 SCC 437*** we reiterate that a court hearing a regular bail application has got inherent power to grant interim bail pending final disposal of the

*bail application. In our opinion, this is the proper view in view of Article 21 of the Constitution of India which protects the life and liberty of every person. When a person applies for regular bail then the court concerned ordinarily lists that application after a few days so that it can look into the case diary which has to be obtained from the police authorities and in the meantime the applicant has to go to jail. Even if the applicant is released on bail thereafter, his reputation may be tarnished irreparably in society. The reputation of a person is his valuable asset, and is a facet of his right under Article 21 of the Constitution vide **Deepak Bajaj v. State of Maharashtra, 2008(4) RCR (Criminal) 961 : 2008(6) Recent Apex Judgments (R.A.J.) 357 : (2008) 16 SCC 14**. Hence, we are of the opinion that in the power to grant bail there is inherent power in the court concerned to grant interim bail to a person pending final disposal of the bail application. Of course, it is in the discretion of the court concerned to grant interim bail or not but the power is certainly there.*

54. *Therefore, the presiding officer of a Special Court dealing with NDPS cases wherever the need is felt and where the matter is being unnecessarily delayed may grant interim bail till the receipt of the FSL report and thereafter considered the case after the receipt of the report.”*

3.1. Learned counsel has further iterated that the petitioner has suffered incarceration for a period of more than 3 months. Thus, regular bail is prayed for.

4. Learned State counsel has opposed the present petition by arguing that the allegations raised against the petitioner are serious in nature and, thus, she does not deserve the concession of the regular bail. Learned State counsel has further submitted that the instant bail plea is barred by the rigors of Section 37 of the NDPS Act, and thus, the same ought to be dismissed. Learned State counsel seeks to place on record custody certificate dated 03.05.2026 in Court, which is taken on record.

5. I have heard counsel for the rival parties and have gone through the available records of the case.

6. The petitioner was arrested on 20.01.2026 and is in continuous custody since then. It is thus, indubitable, that the conclusion of the

investigation as also trial emanating therefrom is likely to take time. It is not in dispute that the requisite FSL report has not yet been received. In the totality of the factual milieu of the case, especially keeping in view the factum of the FSL report having not been received yet, this Court deems it appropriate to grant concession of on regular bail to the petitioner.

7. In view of above, the present petition is allowed. Petitioner is ordered to be released on interim regular bail till the presentation of the FSL report before the concerned Court, on her furnishing bail/surety bonds to the satisfaction of the Ld. concerned trial Court/Duty Magistrate. However, in addition to conditions that may be imposed by the concerned trial Court/Duty Magistrate, the petitioner shall remain bound by the following conditions:

- (i) The petitioner shall not mis-use the liberty granted.
- (ii) The petitioner shall not tamper with any evidence, oral or documentary, during the trial.
- (iii) The petitioner shall not absent herself on any date before the trial.
- (iv) The petitioner shall not commit any offence while on bail.
- (v) The petitioner shall deposit her passport, if any, with the trial Court.
- (vi) The petitioner shall give his cellphone number to the Investigating Officer/SHO of concerned Police Station and shall not change her cell-phone number without prior permission of the trial Court/Illaq Magistrate.
- (vii) The petitioner shall not in any manner try to delay the trial.
- (viii) The petitioner shall submit, on the first working day of every month, an affidavit, before the concerned trial Court, to the effect that she has not been involved in commission of any offence after being released on bail. In case the petitioner is found to be involved in any offence after her being enlarged on bail in the present FIR, on the basis of his affidavit or otherwise, the State is mandated to move, forthwith, for cancellation of his bail

which plea, but of course, shall be ratiocinated upon merits thereof.

8. In case of breach of any of the aforesaid conditions and those which may be imposed by concerned trial Court/Duty Magistrate as directed hereinabove or upon showing any other sufficient cause, the State/complainant shall be at liberty to move cancellation of bail of the petitioner.

9. Ordered accordingly.

10. Needless to say that the petitioner shall be at liberty to apply for grant of regular bail afresh before the concerned Court after presentation of the FSL report.

11. Nothing said hereinabove shall be construed as an expression of opinion on the merits of the case.

12. Since the main case has been decided, pending miscellaneous application, if any, shall also stands disposed off.

(SUMEET GOEL)
JUDGE

May 04, 2026

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