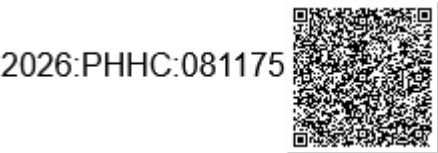


IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH



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CRM-M-24377-2026 (O&M)

Charanjit Singh @ Charan

... Petitioner

Vs.

State of Punjab

... Respondent

1.	The date when the judgment is reserved	20.05.2026
2.	The date when the judgment is pronounced	22.05.2026
3.	The date when the judgment is uploaded on the website	22.05.2026
4.	Whether only operative part of the judgment is pronounced or whether the full judgment is pronounced	Full
5.	The delay, if any, of the pronouncement of full judgment, and reasons thereof	Not applicable

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. J.S. Sandhu, Advocate for the petitioner.

Ms. Sakshi Bakshi, AAG, Punjab.

...

Manisha Batra, J. (Oral).

1. The instant one is the second petition filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short ‘BNSS’) by the petitioner seeking grant of regular bail in case bearing FIR No.52 dated 29.03.2024, registered under Sections 21(c), 25, 27-A and 29 of Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, ‘NDPS Act’), Section 25 of

Arms Act and Section 201 of IPC at Police Station Chheharta, District Amritsar. His previous petition bearing CRM-M-No.2404-2025 had been dismissed vide order dated 06.03.2025.

2. As per the allegations, on 29.03.2024, the petitioner along with co-accused Gagandeep Singh @ Gagan and Harmandeep Singh @ Harman was apprehended on the basis of a secret information and recovery of one countrymade pistol and 03 live cartridges was effected from conscious possession of co-accused Gagandeep Singh @ Gagan whereas 01 kg 500 grams of heroin was recovered from the dashboard of the car, which they were occupying. The petitioner and co-accused were formally arrested. On disclosure of co-accused, some other persons were nominated as accused.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. A false recovery has been planted upon him. No recovery had been effected from his conscious possession. He is in prolonged incarceration for a period of more than 02 years and 01 month. After dismissal of his previous petition, there has been no progress in trial as only 03 out of 18 prosecution witness have been examined so far. Each day spent by him in custody furnishes a new ground to him for seeking benefit of bail. His antecedents are clean. His continued detention would not serve any useful purpose. With these broad submissions, it is urged that he deserves to be released on bail.

4. Per contra, learned State counsel, while relying upon the status report has vehemently argued that the allegations against the petitioner are grave in nature. Commercial quantity of contraband was recovered from him and the co-accused. Rigors of Section 37 of the NDPS Act are attracted in this

case. It is, further submitted that this petition is not maintainable being the successive one. It is, therefore, stressed that the petitioner does not deserve to be extended the benefit of bail

5. This Court has heard the rival submissions made by learned counsel for the parties at length.

6. The petitioner is alleged to have been found in conscious possession of commercial quantity of contraband. Though, the allegations levelled against him make out a prima facie case for commission of subject offences, however, he is in custody for a period of over 02 years and 05 months. The trial has not progressed much, since as stated by learned State counsel, only 03 out of 18 prosecution witnesses have been examined. Therefore, it is obvious that the chances of conclusion of the trial in the near future are bleak. 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 Live Law (SC) 533*, 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 judgment dated 14.11.2025 passed in **Criminal Appeal No.4883/2025** titled as **Santosh Pawar Vs. State of Chhattishgarh & another**, in which the Hon'ble Supreme Court has observed that rigors 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 abovementioned 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 *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. So far as the question of maintainability of the petition is concerned, it may be mentioned that an accused has a right to make successive applications for grant of bail, and it is the duty of the Court, while entertaining such a subsequent bail application, to consider the reasons and grounds on which the earlier bail petition was rejected. The fresh grounds which persuade the Court to take a view different from the one taken in the earlier application are also required to be recorded. Reference in this regard can be made to ***Prasad Shrikant Purohit v. State of Maharashtra (2018) 11 SCC 458***, wherein it was so observed. The previous petition of the petitioner was dismissed on 06.03.2025. Trial has not progressed much thereafter. 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 for a period of about 02 years, 05 months, the trial is not likely to be concluded in near future as only 03 out of 18 prosecution witnesses have been examined; 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. As such, the prolonged detention of the petitioner amounts to drastic change in circumstances extending fresh ground to petitioner to seek bail.

12. In view of the above discussion, this Court is of the considered opinion that a case is made out for grant of bail to the petitioner. 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 extent of two sureties in the like amount each, to the satisfaction of learned trial Court/CJM/Duty Magistrate concerned, 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 Aadhaar card, and shall not change his mobile number(s) during the pendency of the trial.

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.

14. Since the main petition has already been disposed of, pending application, if any, is rendered infructuous.

(MANISHA BATRA)
JUDGE

22.05.2026

harjeet

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