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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CRM-M-27403-2026

Date of decision: 19th May, 2026

Lovejeet Singh @ Rahul

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Rishu Mahajan, Advocate for the petitioner.

Mr. Roshandeep Singh, Assistant Advocate General, Punjab.

MANISHA BATRA, J (ORAL):-

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. 58284-2025 had been dismissed vide order dated 09.12.2025.

2. As per the allegations, on 29.03.2024, accused Gagandeep Singh @ Gagan, Charanjit Singh @ Charan and Harmandeep Singh @ Harman @ Happy were apprehended on the basis of secret information, and recovery of

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one country made pistol and 03 live cartridges was effected from the custody of accused Gagandeep Singh, whereas 1 kg and 500 grams of *heroin* was recovered from the dashboard of the car which they were occupying. They were formally arrested. The accused Gagandeep Singh suffered a disclosure statement on the basis of which the present petitioner, Jermanpreet Singh @ Jerman and Yuvraj Singh, were nominated as additional accused. The petitioner was arrested on 29.03.2024. Recovery of 800 grams of *heroin* was effected from him.

3. It is argued by learned counsel for the petitioner that he has been in custody for a period of over 02 years and 01 month. After dismissal of his previous petition on 09.12.2025, there has been no progress in the trial, as only 03 out of 18 prosecution witnesses have been examined so far. Similarly situated co-accused Yuvraj Singh, Gagandeep Singh and Paras have been extended the benefit of bail, and on parity, he deserves to be extended the same benefit. Each day spent by him in custody is a reason afresh for making a prayer for bail by him. His antecedents are clean. No useful purpose would be served by detaining him in custody anymore. It is, therefore, argued that he deserves to be extended the benefit of bail.

4. Notice of motion.

5. Learned State counsel has advance notice of the petition and while placing on record the custody certificate of the petitioner, has argued that taking into consideration the gravity of the allegations levelled against the

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petitioner, the fact that commercial quantity of contraband had been recovered from him, and that the rigours of Section 37 of the NDPS Act are attracted in this case, the petitioner does not deserve to be enlarged on bail. It is, also argued that the petition, being a successive one, is not maintainable.

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

7. The petitioner was nominated as an accused on the basis of disclosure statement of co-accused, however, recovery of commercial quantity of contraband had been effected from him. Therefore, the allegations make out a prima facie case for commission of the alleged offence against him. However, he has now been in custody for a period of over 02 years and 01 month, and the trial has not progressed much, 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

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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.

8. Reliance can also be placed upon ***Santosh Pawar Vs. State of Chhattishgarh & Anr., Criminal Appeal No.4883/2025***, which is a recently pronounced verdict of Hon'ble Supreme Court observing 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.

9. Similarly in another case i.e. in the case of ***Satender Kumar Antil v. Central Bureau of Investigation, (2022) 10 SCC 51*** prolonged incarceration and inordinate delay engaged the attention of the Hon'ble

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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.

10. 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.

11. 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***.

12. 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

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dismissed on 09.12.2025. 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, 01 month and 14 days, 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.

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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

19th May, 2026
Parveen Sharma

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| 1. Whether speaking/ reasoned | : | Yes / No |
| 2. Whether reportable | : | Yes / No |