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

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**CRM-M-27434-2026 (O&M)
Date of decision : 20.05.2026**

Sukhchain Singh @ Chaina**...Petitioner**

Versus

State of Punjab**...Respondent****CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present:- Mr. Karandeep Singh Sidhu, Advocate
for the petitioner.

Ms. Sakshi Bakshi, AAG, Punjab.

MANISHA BATRA, J. (Oral)

1. Prayer in this petition, filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, is for grant of regular bail to the petitioner in case bearing FIR No. 42 dated 13.03.2024, registered under Section 21 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (*for short 'NDPS Act'*) at Police Station City Moga, District Moga.

2. As per the allegations, on 13.03.2024 on receipt of a secret information to the effect that the petitioner along with his brother Dharampreet Singh @ Dhammi, Jaspreet Singh and Sandeep Singh was involved in sale of contrabands and all of them were present at the house of accused Sandeep Singh with huge quantity of heroin that was to be sold in Moga and could be apprehended, a raiding party was immediately formed. Intimation was sent to the police station for registration of FIR. Raiding party reached at the informed place and found one Verna car parked outside the

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house of accused Sandeep Singh. There were three occupants of the same who were apprehended and disclosed their names as Dharampreet Singh @ Dhammi, Sandeep Singh Bhatti and Sukhchain Singh @ Chaina i.e. the present petitioner. After giving due notice and completion of formalities, the vehicle was searched and one black coloured kit bag was found kept therein. On opening the same, six polythenes containing 5.5 kgs. of heroin were recovered from the same. The recovered contraband was taken into custody. The petitioner and co-accused were formally arrested. On interrogation, they suffered disclosure statements admitting their involvement in the crime. They disclosed that the accused Jaspreet Singh @ Jassa was in contact with accused Sandeep Singh through JangiApp and used to provide the contraband to sell it. Two days prior to the occurrence, accused Sandeep Singh had met the above named Jaspreet Singh who had handed over a sum of Rs.9 lakhs to him with a direction to give the same to one person at Rajasansi Amritsar and to take 06 packets of contraband from him. Accused Sandeep Singh along with the petitioner and Dharampreet Singh @ Dhammi had gone to Amritsar and had reached near Rajasansi bus stand to take delivery of contraband from a youth whose photograph had been sent by Jaspreet Singh @ Jassa on JangiApp. He had handed over packets of contraband to them. Investigation now stands completed.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case and a false recovery has been planted upon him and co-accused. He is in custody for a period of more than two years and two months. There is prolonged pendency of the trial in the present case, and there

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is no likelihood of its conclusion in the near future, particularly as only five out of twenty prosecution witnesses have been examined so far. He has clean antecedents. His continued detention would not serve any useful purpose. Co-accused, Dharampreet Singh @ Dhammi, has already been granted concession of bail by this Court. On parity, the petitioner too deserves to be given the same benefit. With these broad submissions, it is urged that the petition deserves to be allowed.

4. Custody certificate of the petitioner has been filed by the respondent-State. It is argued by learned State counsel that taking into consideration the gravity of the allegations levelled against the petitioner as well as the fact that commercial quantity of the contraband was recovered from him, he does not deserve to be released on bail. Therefore, it is stressed that the petition does not deserve to be allowed.

5. This Court has heard learned counsel for the parties at considerable length.

6. The petitioner along with the co-accused is alleged to have been found in conscious possession of commercial quantity of contraband on 13.03.2024. He is in custody since that very day and has spent a period of more than two years and two months in custody. 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

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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 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

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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 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 analysing the peculiar facts and circumstances of the present case in the light of the aforementioned principles of law, it transpires that the

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petitioner has suffered prolonged incarceration; the trial is not likely to be concluded in near future; the similarly situated co-accused has already been granted concession of regular bail and the petitioner has clean antecedents. In view thereof, this Court is of the considered opinion that 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 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.

20.05.2026
Waseem R. Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No