



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

220

CRM-M-30119-2026

Date of decision : 29.05.2026

Date of uploading:29.05.2026

Sukhraj Singh @ Vishnu

.....Petitioner

Versus

State Of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Charnjit Singh, Advocate and
Mr. Sumeet Singh Brar, Advocate for the petitioner.

Mr. Baljinder Singh Sra, Addl. AG, Punjab.

SUMEET GOEL, J. (ORAL)

1. Present 2nd petition has been filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, for grant of regular bail to the petitioner in case bearing FIR No.0047 dated 18.04.2025, registered for the offences punishable under Sections 15(C)/27/61/85 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS Act') at Police Station Raman, Bathinda, Punjab.
2. The case set up in the FIR in question (as set out in the present petition by the petitioner) is as follows:-

"Copy of Ruqa. SHO Sahib PS Raman, Bathinda, Fateh. Today I, ASI, along with ASI Jaswinder Singh 33/BTI, HC Resham Singh 280/BTI, C-2 Swaranjit Singh 626/BTI and S/Ct. Shavinderjit Singh 1471/BTI by riding the Government Vehicle Bolero No. PB03-AT- 0392, which was driven by C-2 Lakhwinder Singh 1336/BTI, and by taking along laptop, printer and investigation kit had departed from CIA-1 Bathinda and were going to Village Sekhu via Talwandi, Raman for checking of suspicious persons/vehicle and when police party reached at the turn of road which goes from Village Bagha towards Refinery Township for nakabandi then ASI Jaswinder Singh 33/BTI said to I, ASI that secret informer has given



information to him that Sukhraj Singh @ Vishnu son of Santa Singh son of Surjit Singh resident of Bagha Road, Village Tarkhan Wala, District Bathinda, whose house is in the fields, is habitual of selling poppy-husk. Today also he is going to his house by keeping bags of poppy-husk in his Swaraj Tractor 744 colour blue, if he is raided immediately then poppy-husk in large quantity can be recovered from him. If you get late then he can misappropriate the poppy-husk and can also go out of reach. Believing this information to be true, I, ASI alongwith police party was coming at the house of Sukhraj Singh @ Vishnu for raid and at katcha passage of the house of Sukhraj Singh @ Vishnu, one youth having trimmed skull hair was seen driving one tractor of blue. colour and 03 plastic bags of yellow colour and 02 plastic bags of white colour were seen kept at the tractor and tied with links of the tractor. Whereupon, I, ASI with help of co-employees surrounded the tractor, stopped the engine of tractor, brought down the tractor driver and asked him his name/ address and he disclosed his name as Sukhraj Singh @ Vishnu son of Santa Singh son of Surjit Singh resident of Bagha Road, Village Tarkhan Wala, District Bathinda. In compliance with Section 50 NDPS Act, I, ASI informed him about my identity by saying that, "My name is Gurmej Singh. I am posted as Assistant Sub-Inspector in Punjab Police and my posting is at CIA Staff-1 Bathinda. I have worn uniform of my rank and have attached my name plate on my uniform. My co-employees are also members of CIA Staff-1 Bathinda. I have suspicion of having any narcotic substance in plastic bags which are kept on your tractor, thus you and plastic bags kept on tractor which is under your possession need to be searched under NDPS Act but you have legal right that if you want then you can give your search and search of plastic bags which are kept on your tractor in presence of any Magistrate Sahib or any Gazetted Officer, either of them can be called at the spot or you can be produced before either of them." Whereupon, Notice U/s 50 NDPS Act was written separately, on which afore-mentioned Sukhraj Singh @ Vishnu gave his signature and ASI Jaswinder Singh 33/BTI and S/Ct. Shavinderjit Singh 1471/BTI gave their signatures as witnesses.

Afore-mentioned Sukhraj Singh @ Vishnu while expressing dissent on Notice U/s 50 NDPS Act served to him by me said that, "I want to give my search and search of plastic bags kept on tractor which is under my possession in presence of any Gazetted Officer, call him at the spot." Whereupon, his dissent memo was prepared. On which afore-mentioned Sukhraj Singh @ Vishnu gave his signature and ASI Jaswinder Singh 33/BTI and S/Ct. Shavinderjit Singh 1471/BTI gave their signatures as witnesses. Then at time about 09:10 AM I, ASI made phone call at Control Room Bathinda, gave information about the facts at the spot and asked to send Gazetted Officer at the spot. Then I gave separate notice to C-2 Lakhwinder Singh 1336/BTI and asked him to bring 02 private witnesses at the spot. Then at time about 10:40 AM Sh. Harwinder Singh PPS, Deputy Superintendent of Police, PBI/NDPS, Bathinda alongwith his gunman reached at the spot in Government Vehicle Bolero No. PB65-BC-2506. In the meantime, C-2 Lakhwinder Singh 1336/BTI alongwith Sh. Bhanta Singh son of Surjit Singh resident of Bagha Road, Village Tarkhan Wala, District Bathinda came at the spot and I informed him about the facts at the spot. Then DSP Sahib informed afore-mentioned Sukhraj Singh @ Vishnu about his identity by saying that, "My name is Harwinder Singh Sran. I am posted in Punjab Police as Gazetted Officer PPS Deputy Superintendent of Police, PBI/NDPS, Bathinda. I have worn uniform of my rank and have attached my name plate on my uniform. I have suspicion of having any narcotic substance in plastic bags kept on Swaraj Tractor without number which is under your possession, thus you and plastic bags kept on tractor which is under your possession need to be searched under NDPS Act but you have legal right that if you want then you can give your



search and search of plastic bags kept on tractor which is under your possession in presence of any Magistrate Sahib or any other Gazetted Officer, either of them can be called at the spot or you can be produced before either of them." Whereupon, Notice U/s 50 NDPS Act was written separately. On notice afore-mentioned Sukhraj Singh @ Vishnu, I, ASI and ASI Jaswinder Singh 33/BTI gave our signatures and private witness afore-mentioned Bhanta Singh gave his left thumb impression. Then afore-mentioned Sukhraj Singh @ Vishnu while giving his consent on Notice U/s 50 NDPS Act served to him by DSP Sahib said that, "I do not want to call any other Gazetted Officer or Magistrate Sahib at the spot for my search and search of plastic bags kept on tractor which is under my possession, I have faith on you." Whereupon, his consent memo was prepared. On consent memo afore-mentioned Sukhraj Singh @ Vishnu, I, ASI and ASI Jaswinder Singh 33/BTI gave our signatures and private witness afore-mentioned Bhanta Singh gave his left thumb impression. Then on order of DSP Sahib, I, ASI while getting conducted videography of the spot brought down 04 plastic bags which were kept on Tractor Swaraj 744 of afore-mentioned Sukhraj Singh @ Vishnu, untied piece of rope tied on the mouth of plastic bags and opened and checked the bags by rubbing hand in the contents of plastic bags, from which poppy- husk was recovered. Then I marked all five plastic bags of poppy- husk as Serial No. 01 to 05. Then I weighed all afore-mentioned five plastic bags of poppy-husk on computerized weighing machine turn by turn and weight of yellow colour plastic bags Serial No. 01 to 03 was found to be 20/20 Kg and weight of while colour plastic bags Serial No. 04 and 05 was found to be 15/15 Kg and total weight of poppy-husk in all recovered plastic bags alongwith plastic bags was found to be 90 Kg. Then I tied the mouth of all five recovered plastic bag with same pieces of rope and prepared parcel and sealed all afore-mentioned five parcels of plastic bags containing poppy-husk with my stamp impression GS. Prepared sample seal separately. After use I handed over my stamp to ASI Jaswinder Singh 33/BTI. Sh. Harwinder Singh Sran PPS, Deputy Superintendent of Police, PBI/NDPS, Bathinda also sealed all afore-mentioned five parcels of plastic bags containing poppy-husk with his stamp impression HS and also sealed sample seal with his stamp impression HS and attested all afore-mentioned five sealed parcels of plastic bags containing poppy-husk and attested sample seal also. Then I, ASI checked the tractor Swaraj 744 colour blue without number but any document of ownership could not be recovered from tractor. Then I, ASI took all afore-mentioned five parcels of plastic bags containing poppy-husk sealed with stamp impressions GS/HS alongwith sample seal and afore-mentioned tractor without number in police custody with seizure memo. On seizure memo ASI Jaswinder Singh 33/BTI and S/Ct. Shavinderjit Singh 1471/BTI gave their signatures as witnesses and private witness Bhanta Singh gave his left thumb impression. DSP Sahib attested the memo. Then DSP Sahib conducted personal search of afore-mentioned accused Sukhraj Singh @ Vishnu and any cash or any expensive article was not recovered from him. Whereupon, his personal search memo without recovery was prepared. On personal search memo accused Sukhraj Singh @ Vishnu, I, ASI and ASI Jaswinder Singh 33/BTI gave signatures and private witness Bhanta Singh gave his left thumb impression. Aforementioned Sukhraj Singh @ Vishnu by keeping recovered 90 Kg poppy-husk in his possession has committed an offence which is punishable u/s 15C/61/85 NDPS Act. Whereupon, Ruqa is written and is being sent at police station by the hand of C-2 Lakhwinder Singh 1336/BTI for registration of FIR against afore-mentioned accused Sukhraj Singh @ Vishnu under afore-mentioned sections. Number be intimated after registration of FIR. Special reports be issued. Intimation be given to senior officers and at DCR Bathinda. I, ASI alongwith co-employees am investigating at the spot. Now present in the



area of PS Tarkhan Wala Near Bharat Gas Agency District Bathinda at 01:15 PM. Sd/- Gurmej Singh ASI 1737/BTI CIA-1 Bathinda Date 18.04.2025 Mob. No. 97797-01737." At receipt of Ruqa at police station, present FIR is registered against afore- mentioned accused Sukhraj Singh @ Vishnu under afore-mentioned sections. Record is being completed. Intimation is being given at DCR Bathinda with wireless message. Copies of FIR prepared as special reports and are being sent to Area Magistrate Sahib and senior officers by the hand of S/Ct. Ramdeep Singh 1189. Copy of FIR alongwith original Ruqa is being sent to ASI Gurmej Singh 1737/BTI at the spot by the hand of coming C-2 Lakhwinder Singh 1336/BTI."

3. Learned counsel for the petitioner submits that the petitioner is in custody since 18.04.2025. Learned counsel for the petitioner has further submitted that the mandatory provisions of the NDPS Act have not been complied with, and thus, the prosecution case suffers from inherent defects. Learned counsel for the petitioner has iterated that the trial is delayed and the liability thereof cannot be fastened upon the petitioner. Learned counsel has further iterated that the petitioner has suffered incarceration for more than 1 year. 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, he does not deserve the concession of the regular bail. Learned State counsel has further submitted that the instant bail plea is restricted 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 28.05.2026 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 18.04.2025, whereinafter, investigation was carried out and the challan *qua* the petitioner was presented on 10.10.2025. Total 14 prosecution witnesses have been cited



but none has been examined till date. The rival contentions raised at Bar give rise to debatable issues shall be ratiocinated upon during the course of trial. This Court does not deem it appropriate to delve deep into these rival contentions, at this stage, *lest* it may prejudice the trial. Nothing tangible has been brought forward to indicate the likelihood of the petitioner absconding from the process of justice or interfering with the prosecution evidence.

6.1. As per custody certificate dated 28.05.2026 filed by the learned State counsel, the petitioner has already suffered incarceration for a period of 1 year, 1 month and 6 days & is stated to be not involved in any other case. In this view of the matter, the rigor imposed under Section 37 of the NDPS Act stands diluted in light of the Article 21 of the Constitution of India.

6.2 Indubitably, the present petition is the 2nd attempt by the petitioner to secure regular bail. The last bail plea preferred by the petitioner was dismissed as withdrawn on 18.02.2026. Keeping in view the entirety of the factual milieu of the case in hand, especially the extended incarceration of the petitioner as also the snail pace of the trial, which is, *inter alia*, reflectable from the orders dated 02.04.2026, 28.04.2026 and 25.05.2026, this Court is inclined to favourably consider the instant plea for bail. A profitable reference, in this regard, can be made to a judgment of this Court passed in ***CRA-S-2332-2023*** titled as ***Rafiq Khan versus State of Haryana and another***; relevant whereof reads as under:

“10. As an epilogue to the above discussion, the following principles emerge:

I. Second/successive regular bail petition(s) filed is



maintainable in law & hence such petition ought not to be rejected solely on the ground of maintainability thereof.

II. Such second/successive regular bail petition(s) is maintainable whether earlier petition was dismissed as withdrawn/dismissed as not pressed/dismissed for non-prosecution or earlier petition was dismissed on merits.

III. For the second/successive regular bail petition(s) to succeed, the petitioner/applicant shall be essentially/pertinently required to show substantial change in circumstances and showing of a mere superficial or ostensible change would not suffice. The metaphoric expression of seeking second/successive bail plea(s) ought not be abstracted into literal iterations of petition(s) without substantial, effective and consequential change in circumstances.

IV. No exhaustive guidelines can possibly be laid down as to what would constitute substantial change in circumstances as every case has its own unique facts/circumstance. Making such an attempt is nothing but an utopian endeavour. Ergo, this issue is best left to the judicial wisdom and discretion of the Court dealing with such second/successive regular bail petition(s).

V. In case a Court chooses to grant second/successive regular bail petition(s), cogent and lucid reasons are pertinently required to be recorded for granting such plea despite such a plea being second/successive petition(s). In other words, the cause for a Court having successfully countenanced/entertained such second/successive petition(s) ought to be readily and clearly decipherable from the said order passed.”

6.3. This Court in a judgment titled as ***Kulwinder versus State of Punjab*** passed in ***CRM-M-64074-2024*** (2025:PHHC:002695); after relying upon the *ratio decidendi* of the judgments of the Hon’ble Supreme Court in Hussainara Khatoon vs. Home Secy., State of Bihar (1980) 1 SCC 81; Abdul Rehman Antulay vs R.S. Nayak (1992) 1 SCC 225; Javed Gulam Nabi Shaikh vs. State of Maharashtra and another, 2024(3) RCR (Criminal) 494; Mohd Muslim @ Hussain vs. State (NCT of Delhi) reported as 2023 INSC 311; Criminal Appeal No.245/2020 dated 07.02.2020 titled as “Chitta Biswas Alias Subhas vs. The State of West Bengal”; “Nitish Adhikary @ Bapan vs. The State of West Bengal”, Special Leave to Appeal (Crl.) No.5530-2022 dated 22.08.2022 titled as “Mohammad Salman Hanif Shaikh vs. The State of Gujarat”; Criminal Appeal No.1169 of 2022 dated 05.08.2022 titled as Gopal Krishna Patra



@ Gopalrusma vs. Union of India, and Ankur Chaudhary vs. State of Madhya Pradesh, 2024(4) RCR (Criminal) 172; has held, thus:

“7.8. The right to a speedy and expeditious trial is not only a vital safeguard to prevent undue and oppressive incarceration; to mitigate anxiety and concern accompanying the accusation as well as to curtail any impairment in the ability of an accused to defend himself, but there is an overarching societal interest paving way for a speedy trial. This right has been repeatedly actuated in the recent past and the ratio decidendi of the above-referred to Supreme Court’s judgments have laid down a series of decisions opening up new vistas of fundamental rights. The concept of speedy trial is amalgamated into the Article 21 as an essential part of the fundamental right to life and liberty, guaranteed and preserved under our Constitution. The right to speedy trial begins with the actual restraint imposed at the time of the arrest of the accused and consequent incarceration which continues at all stages, namely, the stage of investigation, inquiry, trial, appeal and revision so that any possible prejudice that may result due to impermissible and avoidable delay since the time of the commission of the offence till the criminal proceedings consummate into a finality, could be averted. The speedy trial, early hearing and quick disposal are sine qua non of criminal jurisprudence. The overcrowded Court-dockets, the heavy volume of work and the resultant pressure on the prosecution and the Police, indubitably keeps the entire criminal jurisprudential mechanism under stress and strain. However, this cannot be an excuse for keeping the sword of Damocles hanging on the accused for an indefinite period of time. It does not serve any credit to the criminal justice system, rather it makes for a sad state of affairs. The guarantee of a speedy trial is intended to avoid oppression and prevent delay by imposing on the Court and the prosecution an obligation to proceed with the trial with a reasonable dispatch. The guarantee serves a threefold purpose. Firstly, it protects the accused against oppressive pre-trial imprisonment; secondly, it relieves the accused of the anxiety and public suspicion due to unresolved criminal charges and lastly, it protects against the risk that evidence will be lost or memories dimmed by the passage of time, thus, impairing the ability of the accused to defend himself. It goes without saying that the consequences of pre-trial detention are grave. Accused, presumed innocent, till proven otherwise, are subjected to psychological and physical deprivations of jail-life, usually under onerous conditions. Equally important, the burden of detention of such an accused frequently falls heavily on the innocent members of his family.

There is yet another aspect of the matter which deserves consideration at this stage. The allegations in the present case relate to accused being involved in an FIR relating to commercial quantity of contraband under the NDPS Act, 1985. While considering a bail petition in a case involving commercial quantity, the Court has to keep in mind the rigours enumerated under Section 37 of NDPS Act, 1985 which mandates that Courts can grant bail to an accused only after hearing the public prosecutor and after having satisfied itself of twin conditions which are reasonable grounds for believing that the accused is not guilty of the offence charged/alleged and that, he is not likely to commit any offence while on bail. The stringent rigours of Section 37 of the NDPS Act, 1985 must be meticulously scrutinized against the backdrop of accused’s fundamental right to a speedy trial. The right to life and personal liberty cannot be rendered nugatory by unwarranted delays in the judicial process, particularly where such delay(s) is neither attributable to the accused nor justified at the end of the



prosecution by cogent reasons. An individual cannot be kept behind bars for an inordinate period of time by taking refuge in rigours laid down in Section 37 of the NDPS Act, 1985. The legislature in its wisdom, in order to ensure speedy and timely disposal of the cases under the Act, has provided for the constitution of special Courts under Section 36-A of the Act. However, this Court cannot turn Nelson's eye to the protracted delays and systematic inefficiency that frustrate this legislative purpose. A Court of law is duty-bound to ensure that it does not become complicit in violation of an individual's fundamental rights, notwithstanding anything contained in a statute. While dealing with bail petition in a case governed by the rigours of Section 37 of the NDPS Act, 1985, the Court must strike a judicious balance between the legislative intent to curb the menace of drugs and the sacrosanct right of the accused to a fair and expeditious trial. Prolonged incarceration, without justifiable cause, risks transforming pre-trial detention into punitive imprisonment, an outcome antithetical to the principle of justice and equity.

Ergo, the unequivocal inference is that where the trial has failed to conclude within a reasonable time, resulting in prolonged incarceration, it militates against the precious fundamental rights of life and liberty granted under the law and, as such, conditional liberty overriding the statutory embargo created under Section 37 of the NDPS Act, 1985 ought to be considered as per facts of a given case. In other words, grant of bail in a case pertaining to commercial quantity, on the ground of undue delay in trial, cannot be said to be fettered by Section 37 of the NDPS Act, 1985."

Suffice to say, further detention of the petitioner as an undertrial is not warranted in the facts and circumstances of the case.

7. In view of above, the present petition is allowed. Petitioner is ordered to be released on regular bail on his 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 himself on any date before the trial.
- (iv) The petitioner shall not commit any offence while on bail.
- (v) The petitioner shall deposit his 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 his 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 he 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 his 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. Nothing said hereinabove shall be construed as an expression of opinion on the merits of the case.

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

(SUMEET GOEL)
JUDGE

29.05.2026
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No