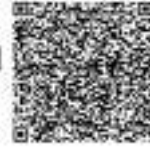


2026:PHHC:014991



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

105+291

CRM-51335-2025 in/and

CRM-M-31478-2025

Date of decision: 2nd February, 2026

Gurpreet Singh @ Gopi

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. R.S. Thind, Advocate for the petitioner.
Ms. Sakshi Bakshi, Assistant Advocate General, Punjab.

MANISHA BATRA, J (ORAL):-

CRM-51335-2025

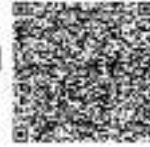
This application has been filed by the applicant for placing on record the zimni orders of the trial Court.

For the reasons mentioned in the application, the same is allowed, subject to all just exceptions. The same are ordered to be taken on record.

Main case

The instant one is the third 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. 67 dated 19.08.2023 registered under Section 21 of Narcotic Drugs and Psychotropic Substance Act, 1985 (for short 'NDPS Act') (Sections 21-C, 27-A and 29 of NDPS Act added later on) and Section 25 of Arms Act, 1959 at Police Station Sarai Amanat Khan District Tarn Taran. His previous two petitions had been dismissed as withdrawn.

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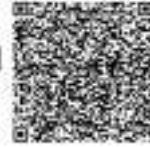


2. As per the allegations, on 19.08.2023, on receipt of a secret information to the effect that the accused Lovepreet Singh @ Sonu and Akashdeep Singh @ Sajjan were involved in the business of smuggling of illicit weapons. Intimation was sent to the police station. FIR was registered. On 20.08.2023, the police officials were conducting routine checking, when above named Lovepreet Singh @ Sonu and the present petitioner were apprehended while they were occupying a verna car. On conducting search, 01 kg 290 grams of heroine, Rs. 30 lakhs as drug money and one pistol of 32 bore along with 08 live cartridges were recovered. The petitioner and the co-accused were arrested. The petitioner was interrogated and suffered disclosure statement admitting his involvement in the crime and disclosed the names of other persons who were involved with him in smuggling of the contraband. It was also disclosed by him that it was on the directions of co-accused Satnam Singh that he was carrying contraband and the pistol, cartridges etc. The co-accused Satnam Singh was nominated as an accused. Investigation now stands completed.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. He is in custody for a period of two years, five months, and fourteen days. There are no chances of conclusion of trial in near future as none out of the twelve prosecution witnesses has been examined so far. The co-accused Lovepreet Singh whose case is on similar footing has been extended benefit of bail. He is not involved in any other offence of similar nature. It is, therefore, argued that the petition deserves to be allowed.

4. Status report has been filed. It is argued by learned State counsel

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that keeping in view the gravity of the allegations levelled against the petitioner, he does not deserve to be released on bail. Therefore, it is urged 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 possession of commercial quantity of contraband, arms as well as drug money of Rs. 30 lakhs. It is a matter of the evidence to be established during the course of trial as to whether the recovery of money allegedly effected from the vehicle used by the complainant was of drug money or not? Though the allegations as levelled make out a prima facie case for commission of other offences as against the petitioner, however, he is in continuously custody since 20.08.2023. This factor, in the opinion of this Court, is a ground to move for bail afresh. The Hon'ble Apex Court has observed in a catena of cases that an accused cannot be kept in custody for an indefinite period of time, and the bail application can be considered on its own merits even if it is filed repeatedly. It has also been held that every day spent in custody can provide a new cause of action for filing a bail application under certain circumstances. This principle is a part of the broader approach emphasizing that law prefers bail over jail, aiming to balance the rights of the accused with the requirements of the criminal justice system. Prolonged detention itself is a ground for reconsideration of bail since the settled principle of law is that detention prior to trial should not become punitive. Trial is likely to take time to conclude as most of the prosecution witnesses are yet to be examined. It is

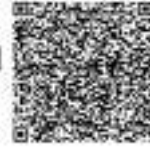
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well settled proposition of law that grant of bail on account of delay in trial and long period of incarceration is to be considered in the light of Section 37 of the NDPS Act. Reliance in this regard can be placed upon the observations made by Hon'ble 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 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 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 ***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 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 the prosecution would press

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for an early completion of trial. In the above-mentioned case the Hon'ble Supreme Court of India 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 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 Supreme Court of India, 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 of India 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 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 over a period of two years,

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five months, and fourteen days, the trial is not likely to be concluded in near future as all the prosecution witnesses are yet to be 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.

12. In view of the above discussion, this Court is of the opinion that a case is made out for grant of bail to the petitioner at this stage. Accordingly, the petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing personal as well as surety bonds of two sureties 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 is 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.

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 decided, pending application, if any, is rendered infructuous.

[MANISHA BATRA]
JUDGE

2nd February, 2026
Parveen Sharma

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