

2026:PHHC:003856



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CRM-M-32898-2025

Date of decision: 14th January, 2026

Sarabjit Singh @ Heera

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Jashandeep Singh Sandhu, Advocate for the petitioner.
Ms. Sakshi Bakshi, Assistant Advocate General, Punjab.

MANISHA BATRA, J (ORAL):-

The present petition has been 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. 298 dated 31.12.2023 registered under Sections 21 and 29 of Narcotic Drugs and Psychotropic Substance Act, 1985 (for short 'NDPS Act'), Section 25 of Arms Act, 1959 (Sections 21(c), 23, 25 and 27-A of NDPS Act and Sections 25 (6, 7, 8) of Arms Act, 1959 were added later on) at Police station Islamabad, District Amritsar, Punjab.

2. As per the allegations, on 31.12.2023, a secret information was received to the effect that the accused Sandeep Singh @ Laadi and Roshan Singh were having connection with one Manpreet Singh @ Monu residing in the USA and who, in connivance with notorious smugglers of Pakistan was indulged in the supply of contraband, arms and ammunition for bringing all these from Pakistan and the above named persons were indulged in the same

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business along with him. It was also informed that at that moment, they were present in a Verna car in the area of Guru Nanak Dev University and could be apprehended with illegal weapons and drugs , if raid was conducted. Believing the secret information to be true, a raiding party was immediately formed. Ruqa was sent to the police station. The above named Sandeep Singh and Roshan Singh were apprehended from the spot. On conducting their personal search as well as search of the vehicle, 19 kgs of heroin, one pistol 9 MM glock, one country made pistol, twelve live cartridges and one electronic scale were recovered from the car. They were formally arrested. the recovered articles were taken into possession. Accused Sandeep suffered disclosure statement on the basis of which drug money of Rs. 15 lakh, 2 more pistols and live cartridges were recovered from his rented accommodation. The accused Roshan suffered disclosure statement and he too got effected recovery of drug money of Rs. 08 lakh, two pistols and live cartridges. Both of them suffered disclosure statements subsequently also.

3. As per the further allegations, accused Sandeep suffered another disclosure statement on 07.01.2024 and a secret information was also received on the basis of which raid was conducted and the present petitioner along with co-accused Anmol Singh @ Heera was apprehended while they were present in a Safari car. On conducting search, 02 kgs of heroin from beneath the driver seat and 1.5 kgs of heroin from beneath of front seat of the car, 09 live cartridges of 9 MM and 10 live cartridges of .30 bore were recovered from the vehicle which were taken into possession. The petitioner and co-accused Anmol were formally arrested. Investigation now stands completed. The

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petitioner along with the co-accused is facing trial for commission of aforementioned offences.

4. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. He was not named in the FIR. A false recovery has been planted upon him. He is in custody since long. Trial will take considerable time to conclude as out of 40 prosecution witnesses none has been examined so far. Even charges have not been framed. He is not involved in any other case of similar nature. His further incarceration would not serve any useful purpose. His prolonged incarceration is militating against the provisions of Article 21 of the Constitution of India. With these broad submissions, it is urged that the petition deserves to be allowed.

5. Custody certificate has been filed by respondent-State. Learned State counsel has argued that taking into consideration the gravity of the allegations, the fact that the commercial quantity of the contraband has been recovered from the petitioner along with illicit weapons and the rigors of Section 37 of NDPS are attracted in this case, the petitioner does not deserve to be extended benefit of bail.

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

7. The petitioner along with the co-accused is alleged to have been found in conscious possession of 3.5 kgs of contraband and some weapons. He is in custody for a period of about two years. Trial will obviously take time to conclude as even charges have not been framed and none out of 40 prosecution witnesses has been examined so far. The prolonged incarceration

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and inordinate delay in conclusion of trial generally militates against the most precious fundamental right guaranteed under Article 21 of the Constitution and in such a situation, an accused becomes entitled to get benefit of bail. 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.

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 rigours of Section 37 of NDPS Act will not be a bar for considering the case of an

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accused for bail as it comes with a condition that the prosecution would press 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.

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 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.

10. In the case of ***Ismail Khan @ Pathan vs. State of Rajasthan Crminal 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.

11. The similar benefit has been taken 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. On analyzing 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 for a period of about two years, 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.

13. 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 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 Aadhaar card, and shall not change his mobile number(s) during the pendency of the trial.

14. 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.

15. Since the main petition has already been decided, pending application, if any, is rendered infructuous.

[MANISHA BATRA]
JUDGE

14th January, 2026

Parveen Sharma	1. Whether speaking/ reasoned	:	Yes / No
	2. Whether reportable	:	Yes / No