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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.40225 of 2025

Satnam Singh... Petitioner

Versus

State of Punjab... Respondent

1.	The date when the judgment is reserved	16.01.2026
2.	The date when the judgment is pronounced	20.01.2026
3.	The date when the judgment is uploaded on the website	20.01.2026
4.	Whether only operative part of the judgment is pronounced or whether the full judgment is pronounced	Full
5.	The delay, if any, of the pronouncement of full judgment, and reasons thereof	Not applicable

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Navjot Singh, Advocate,
for the petitioner.

Mr. Roshandeep Singh, AAG, Punjab,
for the respondent-State.

MANISHA BATRA, J.

1. The present one is the second petition as filed by the petitioner under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (For short “BNSS”) for grant of regular bail in case arising out of

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FIR No.233 dated 24.12.2023 registered under Sections 22(c) and 29 (Section 27 added later on) of Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS Act') at Police Station City Rampura, District Bathinda, Punjab. The first petition as filed by the petitioner had been dismissed as withdrawn vide order dated 02.04.2025.

2. As per the allegations, on 24.12.2023, the petitioner along with co-accused Gurpreet Singh @ Gaggu was apprehended and recovery of commercial quantity of contraband i.e. 7600 intoxicating tablets of Tramadol and 3600 tablets of Alprazolam had been effected from his conscious possession which were taken into custody. The petitioner and co-accused were formally arrested. Investigation now stands completed and he along with the co-accused is facing trial for commission of the aforementioned offences.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. Infact, a false recovery has been planted upon them. The petitioner and co-accused were apprehended and wrongfully confined by the police on the night of 23.12.2024. The keys of their lab had been forcibly taken by the police officials. The cameras installed therein were tried to be disabled and DVR was removed. He is in custody since long. His further incarceration would not serve any useful purpose. The trial will take considerable time to conclude as only 08 prosecution witnesses have been examined so far. Each day spent by him in custody has furnished a ground for seeking benefit of bail afresh. It is, therefore, urged that the

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petition deserves to be allowed.

4. Status report and custody certificate have been filed. Learned Assistant Advocate General, Punjab has argued that there are serious and specific allegations against the petitioner. Commercial quantity of contraband had been recovered at his instance. The rigors of Section 37 of NDPS Act are attracted in this case. This petition being successive petition is not maintainable. It is, therefore, argued that the petition does not deserve to be allowed.

5. This Court has considered the rival submissions.

6. The petitioner along with the co-accused is alleged to have been found in conscious possession of commercial quantity of intoxicating tablets as on 24.12.2023. He has placed on record a Compact Disc to contend that he along with the co-accused was taken into illegal custody by the police officials on the night of 23.12.2023. At this stage, no relevance whatsoever can be given to the contents of this Compact Disc. The allegations make out a prima facie case for commission of subject offences as against the petitioner. However, he is in custody for a period of over 02 years. The trial is likely to take considerable time to conclude since only 08 out of 25 witnesses have been examined. 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

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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. It is well settled proposition of law that prolonged incarceration generally militates against the most precious fundamental right guaranteed under Article 21 of the Constitution and in such cases, when there is delay in conclusion of trial without there being any fault on the part of the accused, he becomes entitled to be released on bail. Since the trial of this case, apparently and evidently is shown to have been delayed, as such, this Court is of the considered opinion that no fruitful purpose would be served by keeping the petitioner in custody any more. Accordingly, the petition is allowed and the petitioner is ordered to be admitted to bail subject to his furnishing personal as well as surety bonds to the satisfaction of learned trial Court/CJM/Duty Magistrate concerned. However, it will be open for the prosecution to apply for cancellation of bail in case the petitioner is found involved in any other subsequent case and if it appears that it is on account of any act and conduct of the petitioner that further delay is being caused in the conclusion of the trial and further subject to his abiding by the following conditions:-

- (i) The petitioner will not tamper with evidence during

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trial.

(ii) he will appear before the trial Court on each and every date fixed, unless his presence is exempted by specific order of the Court.

(iii) the petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer.

(iv) any infraction shall entail in withdrawal of the benefit granted by this court.

7. In the eventuality of breach of any of the aforementioned conditions, the respondent-State shall be at liberty to move an application seeking cancellation of the bail.

8. 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.

20.01.2026
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(MANISHA BATRA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No