



**In the High Court for the States of Punjab and Haryana at
Chandigarh**

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CRM-M-51023-2024 (O&M)
Date of Decision:- 27.01.2026

Sukhjeet Singh ... Petitioner
Versus
State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE SUBHAS MEHLA

Present:- Mr. Anmol, Advocate and
Mr. Zubin Chhura, Advocate for the petitioner.

Mr. Anup Singh, AAG, Punjab.

SUBHAS MEHLA, J. (Oral)

1. By way of the present petition, the petitioner is seeking regular bail in FIR No.316 dated 07.12.2022, registered under Sections 21(c) and 29 of NDPS Act at Police Station Cantonment, District Amritsar.
2. Learned counsel for the petitioner contended that the petitioner is in custody since 10.12.2022 i.e. for the last about 02 years and 06 months; charges have been framed on 24.07.2023 and only 2 PWs out of cited 15 PWs have been partially examined and the witnesses are police officials. It is further contended that allegedly 260 grams of 'heroin' has been recovered, which is marginally above the commercial quantity. Section 50 of NDPS has not been duly complied with. Hence, prayed for concession of bail to the petitioner as trial will take sufficient time to conclude.
3. Custody certificate of petitioner filed by learned State counsel in Court, is taken on record. He has opposed the bail of the petitioner by submitting that 260 grams of 'heroin' has been recovered at the instance of



the present petitioner, which falls under the commercial quantity, petitioner does not have clean and clear antecedents, as he is involved in 2 more cases out of which 1 is under NDPS Act, hence, prayed for dismissal of his bail petition.

4. Heard.

5. Keeping in view the facts and circumstances of the case, this Court finds that contraband recovered i.e. 260 grams of 'heroin' has been recovered at the instance of the present petitioner, which is marginally above the commercial quantity; the petitioner is in custody for the last about 02 years and 06 months; the trial will take sufficient time to conclude as only 2 PWs out of cited 15 PWs have been partially examined, and no fruitful purpose would be served by keeping him in custody for any further period, as concession of bail cannot be denied just as a measure of punishment and it is a trite principle of criminal jurisprudence that bail is rule, jail is an exception, this Court deems it a fit case to grant the concession of regular bail to the petitioner.

6. The Supreme Court in **V. Senthil Balaji v. The Deputy Director, 2024 INSC 739**, held that higher thresholds for granting bail in stringent penal statutes like the PMLA, UAPA, and NDPS Act cannot be a tool to keep an accused incarcerated without trial:

25.such statutes contain provisions laying down higher threshold for the grant of bail. The expeditious disposal of the trial is also warranted considering the higher threshold set for the grant of bail. Hence, the requirement of expeditious disposal of cases must be read into these statutes....

*26. There are a series of decisions of this Court starting from the decision in the case of **K.A. Najeeb2**, which hold that such*



stringent provisions for the grant of bail do not take away the power of Constitutional Courts to grant bail on the grounds of violation of Part III of the Constitution of India. We have already referred to paragraph 17 of the said decision, which lays down that the rigours of such provisions will melt down where there is no likelihood of trial being completed in a reasonable time and the period of incarceration already undergone has exceeded a substantial part of the prescribed sentence. One of the reasons is that if, because of such provisions, incarceration of an undertrial accused is continued for an unreasonably long time, the provisions may be exposed to the vice of being violative of Article [21](#) of the Constitution of India.

7. Hence, balancing the petitioner’s fundamental right to life and personal liberty with the stringent provisions of N.D.P.S. Act, this Court deems it appropriate to grant the concession of regular bail to the petitioner. Accordingly, without commenting upon the merits and circumstances of the present case, the present petition is **allowed**. The petitioner is ordered to be released on bail on furnishing of his bail bonds and surety bonds to the satisfaction of trial Court/Duty Magistrate/Chief Judicial Magistrate concerned with such conditions as it may deem fit to secure his presence during trial.

8. However, it is made clear that after release, if the petitioner shall involve in any other case under NDPS Act, respondent-State is at liberty to move an application for cancellation of his bail.

27.01.2026

Geeta

(SUBHAS MEHLA)
JUDGE

Whether speaking /reasoned	Yes / No
Whether Reportable	Yes / No