



-1-

CRM-M-48795-2025 (O&M)**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH****(225)****CRM-M-48795-2025 (O&M)
Date of decision : 14.01.2026****JASHANDEEP SINGH @ BALLI****... Petitioner****Versus****STATE OF PUNJAB****...Respondent****CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA****Present: Mr. J.S. Sandhu, Advocate for the petitioner****Mr. Roshandeep Singh, AAG, Punjab************MANISHA BATRA, J. (ORAL)**

1. The instant petition has been filed by the petitioner under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') seeking grant of regular bail in case arising out of FIR No.14 dated 03.02.2024 registered under Section 21C of Narcotics Drugs and Psychotropic Substances Act (for short 'NDPS') at Police Station Sadar Sri Muktsar Sahib, District Sri Muktsar Sahib, Punjab.

2. Brief facts of the case relevant for the purpose of disposal of this petition are that on 03.02.2024, the petitioner and co-accused Suraj Singh @ Suraj, while travelling in a car bearing registration number HR-26CC-3366, were apprehended by a police party and recovery of 1.150 KG of heroin was effected from a polythene bag which the co-accused Suraj Singh was holding in his hand. Recovery of drug money of Rs.12,000 was also effected from them. Both of them were formally

**CRM-M-48795-2025 (O&M)**

arrested at the spot. After completion of necessary investigation and usual formalities, challan was presented on 01.08.2024 in the Court and presently the petitioner alongwith the co-accused is facing trial for commission of aforementioned offence.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. Mandatory provisions of the NDPS Act were not complied with properly. No independent witness was joined at the time of effecting alleged recovery. Even otherwise, investigation has been completed long back and challan has been presented in the Court. Challan was presented in this case on 01.08.2024. Only one witness out of total 20 prosecution witnesses, has been examined so far. Hence, there is no likelihood of the trial being completed in the near future. The involvement of the petitioner in other cases cannot be considered to be a reason for denying benefit of bail to him. He is in custody since 03.02.2024. In view of substantial delay in the trial, the petitioner has become entitled to be granted benefit of bail as no useful purpose would be served by keeping him in custody anymore. It is, therefore, urged that the petition deserves to be allowed.

4. Per contra, learned State counsel has argued that keeping in view the gravity of the allegations levelled against the petitioner as well as his criminal antecedents, he is not entitled to get the benefit of bail. It is, hence, argued that the petition does not deserve to be allowed.

5. This Court has heard the rival submissions made by the counsels for the parties at considerable length.

**CRM-M-48795-2025 (O&M)**

6. The petitioner alongwith the above named co-accused was found to be in possession of 1.150 KG of heroin on 03.02.2024. The petitioner is in custody since the date of registration of FIR. On going through the record, it is apparent that the trial is substantially delayed as only 01 witness has been examined so far out of total 20 witnesses, despite the fact that challan was presented way back on 01.08.2024. The petitioner has been in long incarceration. The Hon'ble Supreme Court in ***Rabi Prakash vs. State of Odisha: 2023 Live Law (SC) 533*** has held that the prolonged incarceration, generally militates against the most precious fundamental right guaranteed under Article 21 of the Constitution and in such a situation, the conditional liberty must override the statutory embargo created under Section 37(1)(b)(ii) of the NDPS Act. Similar view has been taken by Hon'ble Supreme Court in ***Ankur Chaudhary vs. State of Madhya Pradesh: 2024 (4) RCR (Criminal) 172***. Reliance can also be placed upon ***Mohd. Muslim a Hussain vs. State (NCT of Delhi): 2023 AIR(SC) 1648 2023 AIR(SC) 1648***, wherein Hon'ble Supreme Court, while granting concession of regular bail to an accused, from whom commercial quantity of the contraband was allegedly recovered, has held that grant of bail on the ground of undue delay in trial cannot be said to be fettered by Section 37 of the NDPS Act. Reference can also be made to the authority cited as ***Satender Kumar Antil vs. Central Bureau of Investigation and another, 2022(10) SCC 51***, wherein similar observations were made by the Hon'ble Supreme Court. Reliance can also be placed upon the authority cited as ***Bhupender Singh vs. Narcotic***



CRM-M-48795-2025 (O&M)

Control Bureau: (2022) 2 RCR (Criminal) 706, wherein a Division Bench of this Court, after considering issue with respect to achieving balance between right to speedy trial guaranteed under Article 21 of the Constitution of India and the rigors enumerated under Section 37 of the NDPS Act, has held that convict/accused is not precluded from claiming bail invoking parameters of Article 21 of the Constitution of India de hors the stringent provisions of Section 37 of the NDPS Act. In the present case, apparently and evidently, the trial is substantially delayed. Therefore, keeping in view the aforementioned facts and circumstances and also the ratio of law as laid down in the aforecited authorities, this Court is of the considered opinion that no useful purpose would be served by keeping the petitioner in custody anymore. Accordingly, the present petition is allowed. The petitioner is ordered to be released on regular bail, subject to his furnishing personal as well as surety bonds to the satisfaction of the learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned and on the following conditions:-

- (i) The petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case or tamper with the evidence of the case in any manner whatsoever.
- (ii) The petitioner shall not leave the country under any circumstance without permission of the learned trial Court.
- (iii) The petitioner shall appear before each and every date of hearing.

**CRM-M-48795-2025 (O&M)**

(iv) The petitioner shall provide his address where he would be residing after release and shall not change the same without informing the concerned IO/SHO.

(v) The petitioner shall upon his release give his mobile phone number to concerned IO/SHO and shall keep his mobile phone switched on all times.

(vi) The petitioner 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.

7. In the event of there being any FIR/complaint lodged against the petitioner, it shall be open to the respondent to seek redressal by filing an application seeking cancellation of bail.

8. It is, however, clarified that the observations made hereinabove shall not be construed as an expression of opinion on the merits of the case and shall not influence the outcome of the trial.

9. Since the main petition has been allowed, pending application, if any, is rendered infructuous.

(MANISHA BATRA)
JUDGE

14.01.2026
Amit Sharma

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