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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CRM-M-55040-2025

Date of decision: 30th January, 2026

Simranjeet Singh @ Simra

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Dheeraj Kumar, Advocate for the petitioner.

Mr. Roshandeep Singh, AAG, Punjab.

MANISHA BATRA, J (ORAL):-

The instant one is the second 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. 103 dated 09.12.2023 registered under Sections 22(c), 21 and 29 of Narcotic Drugs and Psychotropic Substance Act, 1985 (for short 'NDPS Act') and Section 25 of Arms Act, 1959 at Police Station City Morinda, District Rupnagar. His previous petition CRM-M-15861-2025 had been dismissed by this Court vide order dated 22.05.2025.

2. The petitioner is facing trial for commission of the aforementioned offences on the allegations that on 09.12.2023, he was found in conscious possession of commercial quantity of contraband, firearms and

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ammunition which were taken into possession. The previous petition filed by the petitioner had been dismissed by this Court by making following observations:-

“6. The petitioner was apprehended by the police party on 09.12.2023 and recovery of 20 injections of Buprenorphine (Leegestic) of 02 ml each and 20 vials of Pheniramine Maleate injections was effected from him. Though, admittedly, Pheniramine Maleate injections are not covered under NDPS Act but the weight of the Buprenorphine injection was found to be falling within the ambit of commercial quantity. Hence, the rigors of Section 37 of the NDPS Act would certainly be attracted against him. Learned senior counsel for the petitioner has argued that the weight of the contraband was found to be only 19.941 grams but a perusal of the record reveals that the same was the weight of only sample injections, which were sent to FSL. A perusal of the status report reveals that the petitioner has been convicted in one case under the NDPS Act, whereas he is facing trial in two other cases of similar nature. Not only this, he has been convicted in two more cases involving offence under Section 307 of IPC. This goes to show that the petitioner is a habitual offender.

7. It has been argued that the intoxicant injections recovered from the petitioner were expired and thus the same were ineffective, which strengthens the fact that it was planted upon him. While this argument may hold some merit in cases involving first time offenders with no prior criminal history, however, it bears no weight in case of accused like the present petitioner who has a documented history of involvement in multiple cases under the NDPS Act and IPC. The plea of false implication is a stereotyped defense raised in every case where the accused is found in possession of contraband. However, in the light

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of the petitioner's repeated offenses, it is highly improbable that he would have been falsely implicated in this case or in other cases at the whims and fancies of the investigating agency. Trial is going on and there is nothing on record to show that there would be any undue delay in conclusion of the same. Rather, the same may be expedited. The apprehension raised by learned State counsel that the petitioner, if extended bail, can abscond or indulge in similar offences can also not be stated to be unfounded keeping in view his antecedents. Keeping in view the discussion as made above, the allegations levelled against the petitioner, the quantity of the recovered contraband, the antecedents of the petitioner, the quantum of sentence which the conviction may entail and the attendant facts and circumstances of the case, I am of the considered opinion that the petitioner does not deserve to be granted benefit of regular bail, at this stage. Hence, the petition is dismissed."

3. It is argued by learned counsel for the petitioner that ever since the dismissal of his previous petition on 22.05.2025, there has been change in the circumstances as the petitioner has undergone sentence of more than eight months. The trial has not progressed much as only two more witnesses have been examined during this period. Trial will take considerable time to conclude. The prolonged incarceration of the petitioner is a sufficient ground to seek concession of bail. He has been acquitted in most of the cases registered against him previously and has been facing trial in four cases. His involvement in other cases cannot be considered to be a reason for denying benefit of bail to him. It is, therefore, argued that the petition deserves to be allowed. To fortify his arguments, learned counsel for the petitioner has placed

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reliance upon the cases cited as *Maulana Mohd. Amir Rashadi vs. State of U.P.*, 469: 20125 INSC 32, *Prabhakar Tewari vs. State of U.P. and another*, 2020(1) RCR (Criminal) 831, *Manpreet @ Sonu Waghal vs. State of Punjab and others*, 2025 NCPHHC 96918 and *Mohammad Salman Hanif Shaikh vs. The State of Gujarat*, Doc ID # 2743151.

4. Per contra, learned State counsel has argued that the petition is not maintainable as his previous petition has been dismissed by passing detailed order and it is successive petition. It is, therefore, argued that even otherwise there is no substantive or drastic change in the circumstances warranting grant of regular bail to the petitioner and it is, therefore, stressed 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 is in custody for over a period for two years, one month and four days. 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

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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 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***

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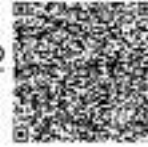
Chhattishgarh & Anr., Criminal Appeal No.4883/2025, which is a recently pronounced verdict of Hon'ble Supreme Court observing that rigours of Section 37 of NDPS Act will not be a bar for considering the case of an accused for bail as it comes with a condition that the prosecution would press for an early 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***

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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, one month, and four 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 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 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

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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

30th January, 2026
Parveen Sharma

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