

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

2026:PHHC:028640



125

CRM-M-56951-2025 (O&M)

Date of decision:23.02.2026

Gurdeep Singh @ Bheekh

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Umesh Aggarwal, Advocate for the petitioner.

Ms. Sakshi Bakshi, AAG, Punjab.

...

Manisha Batra, J. (Oral).

1. The instant petition has been filed by the petitioner under Section 483 of Bharatiya Nagarik Suraksha Sanhita for grant of regular bail in case arising out of FIR No.90, dated 19.04.2022, registered under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS Act') (offences under Sections 22(a) and 21 of the NDPS Act were added lateron) at Police Station Jandiala, District Amritsar.

2. As per the allegations, on 19.04.2022, while performing patrolling duty, a police party headed by ASI Harjinder Singh posted at Police Station Jandiala, District Amritsar Rural found the petitioner and co-accused Kuldeep Singh @ Keepa to be coming from Jalandhar town side. On noticing the police officials, they became perplexed, turned back and accused Kuldeep Singh @ Keepa took out a wax envelop from the right

pocket of his pant and both of them tried to flee. On suspicion, they were apprehended. On asking, they disclosed their names and particulars. The petitioner was also carrying an envelop. On checking the envelop thrown by accused Kuldeep Singh @ Keepa it was found to be having 450 intoxicating tablets whereas 400 intoxicating tablets were recovered from the envelop which was found in conscious possession of the present petitioner. The recovered tablets were taken into possession by the police officials. The petitioner and co-accused were formally arrested. Investigation now stands completed.

3. Learned counsel for the petitioner has argued that he has been falsely implicated in this case. A false recovery has been planted upon him. He is languishing in jail for the last more than 02 years and 07 months. There are no chances of conclusion of the trial which is proceeding at a snail's pace. His continued detention would not serve any useful purpose. He cannot be denied benefit of bail on account of his involvement in other cases. His prolonged incarceration militates against his fundamental right enshrined under Article 21 of the Constitution of India. It is, therefore, argued that the petition deserves to be allowed.

4. Per contra, learned State counsel while relying upon the status report has argued that the allegations against the petitioner are serious in nature. Commercial quantity of contraband had been recovered from him and co-accused. The petitioner is a habitual offender. Rigors of Section 37 of the NDPS Act are attracted in this case. There are chances of his absconding or committing similar offences if extended benefit of bail. It is, therefore, urged that the petition does not deserve to be allowed.

5. This Court has heard the rival submissions made by learned counsel for the parties.

6. The petitioner had been arrested in this case on 19.04.2022 and remained in custody till 10.06.2022. He was released on interim bail vide order dated 08.06.2022 and his interim bail was cancelled on 29.08.2023 and he was taken into custody. He has already spent a period of more than 02 years and 07 months in custody. The trial is likely to take considerable time to conclude as only 03 out of 08 prosecution witnesses have been examined so far. Hon'ble the 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 @ 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 Control Bureau : (2022) 2 RCR (Criminal) 706, wherein a Division Bench of this Court, after considering the 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/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

7. 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.

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.

9. Pending application(s), if any, shall also stands disposed of.

(MANISHA BATRA)
JUDGE

23.02.2026

harjeet

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