

2026.PHHC.002782



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

227

CRM-M-58831-2025

Date of decision: 13th January, 2026

Ravi Kumar

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. P.S. Sekhon, Advocate with
Ms. Shefali, Advocate for the petitioner.

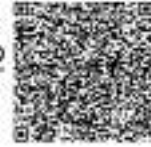
Ms. Sakshi Bakshi, Assistant Advocate General, Punjab.

MANISHA BATRA, J (ORAL):-

The petitioner who has been booked for commission of offences under Sections 20 and 29 of Narcotic Drugs and Psychotropic Substance Act, 1985 (for short 'NDPS Act') in case arising out of FIR No. 78 dated 28.06.2023 registered at Police Station City Dhuri, District Sangrur, on the allegations that he was found in conscious possession of 2 kgs and 300 grams of charas as on 28.06.2023 and is now making prayer for grant of regular bail by filing this second petition. His previous petition had been dismissed vide order dated 24.07.2024.

2. It is argued by learned counsel for the petitioner that ever since the dismissal of his previous petition on 24.07.2024, there has been

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substantive change in the circumstances as there is prolonged incarceration of two years, six months, and sixteen days. Trial is still likely to take time to conclude. His further incarceration would not serve any useful purpose. His prolonged incarceration is militating against the provisions of Article 21 of the Constitution of India. It is, thus, urged that he deserves to be extended benefit of bail.

3. Status report as well as custody certificate has been filed by respondent-State. Learned State counsel has argued that the petition is not maintainable as previous petition filed by the petitioner had been dismissed on merits and there is no substantive change in the circumstances. It is also argued that rigors of Section 37 of the NDPS Act are attracted in this case. With these broad submissions, it is urged that the petition does not deserve to be allowed.

4. This Court has heard learned counsel for the parties at considerable length.

5. The petitioner is in custody for a period of two years, six months, and sixteen days. Trial is still likely to take time as only 07 witnesses have been examined. There is substantive time gap between filing this petition and the previous petition. The trial is procrastinating and there are no chances of its conclusion in near future. There is nothing on record to show that delay has been attributed to the petitioner. It is well proposition of law that each day spent by an accused in custody extends a cause of action to him to seek concession of bail. It is also well settled proposition of law that prolonged

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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 anymore. It is well settled preposition of law that the bail is the rule and jail is an exception. Keeping in view the above facts and circumstances but without meaning to make any comment on the merits of the case, lest they prejudice the case of either of the parties, the petition is allowed, and the petitioner is ordered to be released on bail subject to his furnishing personal/surety bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.

6. It is, however, clarified that the observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

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

[MANISHA BATRA]
JUDGE

13th January, 2026

Parveen Sharma

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