2026:PHHC:012319

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

222 **CRM-M No.61182 of 2025 (O&M)**
Date of Decision: 28.01.2026

Gurpreet Singh @ Peeta @ Pita

.....Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR.JUSTICE SURYA PARTAP SINGH

Present: Mr. Tarun Singla, Advocate for the petitioner.

Mr. I.P.S. Sabharwal, DAG, Punjab.

SURYA PARTAP SINGH, J. (Oral):

For the commission of offence punishable under Sections 22 (b), of Narcotic Drugs & Psychotropic Substances Act, 1985, hereinafter being referred to as NDPS Act', [Section 27 of NDPS Act added later on], the FIR No.4 dated 27.01.2025, has been lodged in Police Station Kotfatta, District Bathinda. The petitioner has been arrested in the above mentioned case as an accused. Since the petitioner is in custody, he has filed the present petition for the benefit of bail. This is second petition for bail under Section 483 of Bharatiya Nagarik Surakhsa Sanhita, 2023.

2. Briefly stating the facts emerging from record are that the FIR of this case came into being at the instance of 'Inspector Sarabjeet Kaur', who had reported that on 27.01.2025 at about 6.20 P.M when a police party headed by the above named police officer, was discharging its patrolling duty, on the way from Bathinda Mansa Road to Gehri Bara Singh, it spotted a young boy

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carrying a transparent plastic bag in his hand. According to above named police officer, on the basis of suspicion when the above said person was checked, on inquiry he disclosed his name as 'Gurpreet Singh' and on checking of bag, being carried by him, it was found that in the above mentioned bag he was carrying 50 strips of 'Tramadol' tablets (total 500 tablets).

3. It is the case of the prosecution that on recovery of above mentioned psychotropic substance the requisite formalities with regard to seizure and sealing of psychotropic substance, slapping of FIR and formal arrest of petitioner was performed, and further investigation taken up.

4. The learned State Counsel has filed custody certificate of the petitioner. The same be taken on record.

5. Heard.

6. It has been contended on behalf of petitioner that total weight of contraband recovered from the possession of petitioner comes out to be 151 grams which is a non-commercial quantity, and that the petitioner has already suffered the agony of being in custody for a period of 1 year, and that neither anything has been recovered from the possession of petitioner nor detention of petitioner in judicial lock-up is likely to serve any purpose. According to learned counsel for the petitioner the trial is taking place at a slow pace as out of 12 not even a single witness has been examined, so far. As per learned counsel for the petitioner in the above mentioned fact-situation the petitioner is entitled for the benefit of bail.

7. Per contra, the learned State counsel has controverted the above mentioned arguments. According to learned State counsel the allegations

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against the petitioner are for being in possession of 50 strips of 'Tramadol' intoxicating tablets, and that petitioner has history of being involved in similar type of offences, and therefore, he is not entitled for the benefit of bail.

8. The record has been perused carefully.

9. If the facts and circumstances of the present case are analyzed in the light of above-mentioned principles of law, it transpires that:-

i) that the petitioner is already in custody for a period of 1 year;

ii) that nothing is left to be recovered from the possession of petitioner;

iii) that the quantity of contraband recovered from the possession of petitioner is much below the lower threshold prescribed for commercial quantity of contraband of same description;

iv) that the trial is taking place at a slow pace as out of 12 not even a single witness has been examined so far;

v) that the trial is not likely to be concluded in near future;

vi) that detention of petitioner in judicial lock-up is not likely to serve any purpose;

vii) that there is nothing on record to show that if released on bail, the petitioner may tamper with the evidence or influence the witnesses;

viii) that there is nothing on record to show that if released on bail, the petitioner will not co-operate/participate in the trial.

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10. In the present case, the principles of law laid down by the Hon'ble Supreme Court in the case of 'Dataram versus State of Uttar Pradesh and another', (2018) 3 SCC 22, are relevant, wherein it has been observed that "a fundamental postulate of criminal jurisprudence is the presumption of innocence, meaning thereby that a person is believed to be innocent until found guilty. However, there are instances in our criminal law where a reverse onus has been placed on an accused with regard to some specific offences but that is another matter and does not detract from the fundamental postulate in respect of other offences. Yet another important facet of our criminal jurisprudence is that the grant of bail is the general rule and putting a person in jail or in a prison or in a correction home (whichever expression one may wish to use) is an exception. Unfortunately, some of these basic principles appear to have been lost sight of with the result that more and more persons are being incarcerated and for longer periods. This does not do any good to our criminal jurisprudence or to our society. There is no doubt that the grant or denial of bail is entirely the discretion of the judge considering a case but even so, the exercise of judicial discretion has been circumscribed by a large number of decisions rendered by this Court and by every High Court in the country. Yet, occasionally there is a necessity to introspect whether denying bail to an accused person is the right thing to do on the facts and in the circumstances of a case".

11. The principles laid down by the Hon'ble the Supreme Court of India in the case of 'Satender Kumar Antil v. Central Bureau of Investigation' (2022) 10 SCC 51 are also relevant in this case. In the abovementioned case, it

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has been observed that “the rate of conviction in criminal cases in India is abysmally low. It appears to us that this factor weighs on the mind of the Court while deciding the bail applications in a negative sense. Courts tend to think that the possibility of a conviction being nearer to rarity, bail applications will have to be decided strictly, contrary to legal principles. We cannot mix up consideration of a bail application, which is not punitive in nature with that of a possible adjudication by way of trial. On the contrary, an ultimate acquittal with continued custody would be a case of grave injustice”.

12. Recently, in the case of ‘Tapas Kumar Palit Vs. State of Chhattisgarh’, 2025 SCC Online SC 322, the Hon’ble Supreme Court of India has observed that “if an accused is to get a final verdict after incarceration of six to seven years in jail as an undertrial prisoner, then, definitely, it could be said that his right to have a speedy trial under Article 21 of the Constitution has been infringed”. It has also been observed by the Hon’ble Supreme Court of India in the abovementioned case that “delays are bad for the accused and extremely bad for the victims, for Indian society and for the credibility of our justice system, which is valued. Judges are the masters of their Courtrooms and the Criminal Procedure Code provides many tools for the Judges to use in order to ensure that cases proceed efficiently”.

13. Therefore, to elucidate further, this Court is conscious of the basic and fundamental principle of law that right to speedy trial is a part of reasonable, fair and just procedure enshrined under Article 21 of the Constitution of India. This constitutional right cannot be denied to the accused as mandated by Hon’ble Apex court in “Balwinder Singh versus State of

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Punjab and Another' 2024 SCC Online SC 4354.

14. If the cumulative effect of all the abovementioned factors, involved in the instant case, is taken into consideration, it leads to a conclusion that the petitioner is entitled for the benefit of bail, and that the present petition deserves to be allowed.

15. Accordingly, without commenting anything on the merits of the case, the present petition is hereby **allowed**. The petitioner is hereby ordered to be released on bail on his furnishing personal bond and surety bond(s) to the satisfaction of learned trial Court. However, the above mentioned benefit shall be subject to following conditions:-

(i) that the petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, so as to dissuade him to disclose such facts to the Court or to any other authority.

(ii) that the petitioner shall at the time of execution of bond, furnish the address to the Court concerned and shall notify the change in address to the trial Court, till the final decision of the trial; and

(iii) that the petitioner shall not leave India without prior permission of the trial Court.

(SURYA PARTAP SINGH)
JUDGE

28.01.2026
Manoj Bhutani

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

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