



**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH**

230

CRM-M-62704-2025 (O&M)
Date of decision : 05.02.2026

Chiraj Kapoor

..... Petitioner

VERSUS

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE SURYA PARTAP SINGH

Present : Mr. K.S. Brar, Advocate for the petitioner.

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

SURYA PARTAP SINGH, J. (oral)

This is first petition for bail filed by the petitioner with regard to FIR No.112 dated 22.03.2025 under Sections 21(c) and 29 of 'Narcotic Drugs and Psychotropic Substances Act', hereinafter being referred to as 'NDPS Act', Police Station City Faridkot, District Faridkot. The abovementioned FIR came into being at the instance of 'ASI Tej Singh', who was heading a team of police officials and intercepted a person. As per case set-out by the prosecution, on the basis of suspicion when search of his person was conducted, he was found in possession of 253 grams of heroin.

2. It is the case of the prosecution that once the recovery of contraband had taken place, the requisite formalities with regard to sealing & seizure of contraband, formal FIR of this case was lodged and arrest of the accused were undertaken. According to prosecution thereafter, when the accused was interrogated, he suffered a disclosure statement wherein he



nominated Amar Khanna as one of his accomplice involved in the trading of heroin. The prosecution has further alleged that when Amar Khanna was arrested, he, too, suffered a disclosure statement, wherein he nominated the petitioner from whose possession Rs.1,45,000/- drug-money was recovered.

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

4. Heard.

5. It has been contended on behalf of petitioner that petitioner is innocent, who has been falsely implicated in the present case and that nothing objectionable has been recovered from his possession. It has also been contended by learned counsel for the petitioner that the petitioner is already in custody for a period of more than seven months and that the trial is taking place at a slow pace, as even the charges against the petitioner have not yet been framed in this case.

6. *Per contra*, the learned State Counsel has contended that in the present case, the recovery of commercial quantity of contraband is involved and, therefore, unless the twin conditions enshrined under Section-37 of NDPS Act are satisfied, the petitioner should not be accorded the benefit of bail.

7. The record has been perused carefully.

8. A perusal of record shows that in the present case, following are the relevant factors which are required to be taken into consideration for a decision: -



- (i) that the petitioner is already in custody for a period of more than 07 months;
- (ii) that nothing has been recovered from the possession of petitioner except the cash amount and there is no evidence to show that the abovementioned amount was actually the drug money;
- (iii) that the investigation in this case is already complete and, therefore, nothing is left to be recovered from the possession of the petitioner;
- (iv) that trial is not likely to be concluded in near future;
- (v) that name of petitioner does not figure in the FIR;
- (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; and
- (viii) that there is nothing on record to show that if released on bail, the petitioner will not co-operate/participate in the trial.

9. 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(2) R.C.R. (Criminal) 131, are also 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”.

10. The principles laid down by the Hon’ble the Supreme Court of India in the case of ‘Satender Kumar Antil Vs. Central Bureau of Investigation and Another’, (2022) 10 SCC 51, are also relevant in this case. In the abovementioned case, it 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”.

11. 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”.

12. 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 Punjab and Another”, 2024 SCC Online SC 4354.

13. 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.

14. 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 furnishing personal bond and surety bond(s) to the satisfaction of learned trial Court. However the abovementioned concession 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

05.02.2026

Vinod

Whether speaking / reasoned
Whether Reportable

Yes/No
Yes/No