



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

**CRM-M-10903-2026 (O&M)
DECIDED ON: 21.04.2026**

ARJAN SINGH

.....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MS. JUSTICE MANDEEP PANNU

Present: Mr. Rajdeep Singh Gill, Advocate
for the petitioner.

Mr. H.S. Wadhwa, DAG, Punjab.

MANDEEP PANNU, J (ORAL)

1. This is the second petition under Section 439 Cr.P.C. (Section 483 of BNSS) for grant of regular bail to the petitioner in FIR No. 50 dated 02.03.2023, registered under Sections 21, 21-C and 27 of the NDPS Act, at Police Station STF Phase IV Mohali, District SAS Nagar.

2. As per the prosecution story, 01 kg 900 grams of heroin was recovered from the possession of the present petitioner.

3. Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. It has been further contended that nothing has been recovered from the conscious possession of the petitioner. Learned counsel submits that the petitioner is a man of clean antecedents as he is not involved in any other case. It has been further contended that the petitioner is in custody for the last 03 years, 01 month and



15 days; out of total 19 prosecution witnesses, only 08 witnesses have been examined, 02 witnesses have been given up till date and 09 witnesses are yet to be examined, meaning thereby, the conclusion of the trial will take considerable time.

4. On the other hand, learned State counsel has produced the custody certificate of the petitioner today in Court, which is taken on record. He opposes the bail petition on the ground that a commercial quantity of contraband has been recovered from the conscious possession of the present petitioner.

5. I have heard learned counsel for the parties and have gone through the record.

6. Admittedly, the petitioner is in custody for the last 03 years, 01 month and 15 days. It is not disputed that out of total 19 prosecution witnesses, only 08 witnesses have been examined, 02 witnesses have been given up till date and 09 witnesses are yet to be examined, meaning thereby the conclusion of the trial will take considerable time. Furthermore, the petitioner is not a habitual offender as he is not involved in any other case.

7. Reliance is placed upon a judgment of two-Judge Bench of the Hon'ble Supreme Court, in ***Nandlal Mondal @ Abhay Mondal v. State of West Bengal, SLP (Crl.) No.12788/2023***, granted bail to the accused after 18 months of incarceration on the ground of delay in trial in an NDPS matter involving commercial quantity of contraband.

8. Reliance can be placed upon the judgment of the Hon'ble Apex Court rendered in "***Dataram versus State of Uttar Pradesh and another***", ***2018(2) R.C.R. (Criminal) 131***, wherein it has been held that keeping somebody behind the bars, till his guilt is proved, for an indefinite period



amounts to infringement of his right to life and liberty, as enshrined under Article 21 of the Constitution of India and is against the principle “*bail is a rule*” and “*jail is an exception*”.

9. Considering the facts that the petitioner is in custody for the last 03 years, 01 month and 15 days; the trial may take a long time to conclude and the stage of trial, this Court is of the view that no useful purpose would be served by keeping the petitioner behind bars for an indefinite period.

10. In view of the above, the present petition is allowed and the petitioner is ordered to be released on regular bail, subject to his furnishing adequate bail and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate concerned.

11. However, it is made clear that any observation made hereinabove shall not be construed as an expression of opinion on the merits of the case.

12. All pending miscellaneous application(s), if any, shall also stand disposed of.

21.04.2026

Poonam Negi

(MANDEEP PANNU)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No