



In the High Court of Punjab and Haryana, at Chandigarh

Criminal Misc. No. M-25968 of 2026

Date of Decision: 13.05.2026

Malkeet Singh

... Petitioner(s)

Versus

State of Punjab

... Respondent(s)

CORAM: Hon'ble Mr. Justice Surya Partap Singh.

Present: Mr. Deepak Kumar Bartia, Advocate
for the petitioner(s).

Mr. I.P.S.Sabharwal, Deputy Advocate General,
Punjab, for the respondent.

Surya Partap Singh, J.

1. This petition for bail is the second petition filed by the petitioner under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023. It has been filed with regard to a case arising out of FIR No. 94 dated 25.04.2025 for the commission of offence punishable under Section(s) 127(2) of the Bharatiya Nyaya Sanhita, 2023 and Section(s) 22 [Section 22(B)(C) & 29 of NDPS Act added later on] of the Narcotic Drugs and Psychotropic Substances Act, 1985, hereinafter being referred to as “NDPS Act” only, Police Station Sadar, District Jalandhar, Punjab.

2. The FIR of this case came into being on the report of ‘ASI Balwinder Kumar’ who had reported that on 24.04.2025 he had received a telephonic message from Inspector/SHO Police Station Sadar, that an illegal drug de-addiction centre had been set up near Bus Stand village Samrai and

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that a team of Medical Officer, SDM Phillaur, Tehsildar Nurmahal (Duty Magistrate) and DSP Cantt. Jalandhar was going to inspect the premises. According to above named police official when he reached the spot along with the above-mention team, the team of Drug Inspector seized 1005 tablets of RLAM 0.5 MG. (Alprazolam Tablets IP) and 100 tablets of Panadol (Tramadol Hydrochloride Tablets USP 100 MG). According to prosecution, pursuant to above-mentioned recovery necessary steps with regard to seizure and sealing of contraband, slapping of FIR and formal arrest of the accused were undertaken.

3. **Notice of motion.**

4. Since advance notice has already been served upon the State, Mr. I.P.S.Sabharwal, Deputy Advocate General, Punjab accepts notice on behalf of respondent-State. Hence, service of notice upon the State is hereby dispensed with.

5. **Heard.**

6. It has been contended by learned counsel for the petitioner that although this is second petition for bail filed by the petitioner, but the same is maintainable as subsequent to dismissal of bail petition of the petitioner, two similarly placed co-accused have been accorded the benefit of bail in similar circumstances. It has also been contended by learned counsel for the petitioner that the petitioner has already suffered incarceration for a period of more than one year & 14 days, and that nothing has been left to be recovered from the possession of petitioner, and that the detention of petitioner is not likely to serve any purpose. It has also been contended by learned counsel for the petitioner that the trial is not likely to be concluded

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in near future, and thus, the petitioner is entitled to the benefit of bail.

7. The learned State counsel has controverted the above-mentioned arguments. According to learned State counsel there is no significant change in the circumstances from the date of dismissal of former bail petition and therefore, the present petition deserves dismissal.

8. The record has been perused carefully.

9. A perusal of the record shows that there are several factors which are required to be taken into consideration at this stage. Those factors are:-

- i) that after the dismissal of former bail petition a development had taken place which is relevant to note. The above-mentioned development is that two co-accused, namely 'Maninder Singh alias Nikka' and 'Varinder Kumar' to whom similar role has been attributed, have been accorded the benefit of bail by the coordinate Bench;
- ii) that the total custody period of the petitioner is now more than one year & 14 days and there is no indication that the trial is likely to be concluded in near future;
- iii) that the petitioner has clean antecedents;
- iv) that nothing has been left to be recovered from the possession of petitioner;
- v) that the detention of petitioner in judicial lock-up is not likely to serve any purpose;

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- vi) that trial of the case is not likely to be concluded in near future;
- vii) that there is nothing on record to show that while on bail, the petitioner is likely to tamper with the evidence or influence the witnesses; and
- viii) that there is nothing on record to show that while on bail, the petitioner will not participate/cooperate in the investigation.

10. With regard to the legal aspect involved in the instant case, it is relevant to mention that the Hon'ble Supreme Court of India in the case of 'Dataram v. State of Uttar Pradesh and Another' (2018) 3 Supreme Court Cases 22, has 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

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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 Supreme Court Cases 51, are also relevant in this case. In the above mentioned 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.”

12. Recently, in the case of ‘Tapas Kumar Palit v. State of Chhattisgarh’, 2025 SCC Online SC 322 the Hon’ble Supreme Court of India 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 above mentioned case that “delays are bad for the accused and extremely bad for the victims, for Indian society and for the

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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. 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.

14. If the cumulative effect of all the above mentioned 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

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 furnishing personal bond and surety bond(s) to the satisfaction of learned trial Court. However, the above said concession shall be subject to following conditions:-

- a) 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;
- b) 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 conclusion of trial; and
- c) that the petitioner shall not leave India without prior permission of the trial Court.



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16. It is, however, clarified that any observations made in the above-mentioned order shall not be construed as an expression of opinion on the merits of the case.

(Surya Partap Singh)
Judge

May 13, 2026
“DK”

Whether speaking/reasoned :Yes/No

Whether reportable : Yes/No