



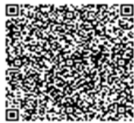
CRM-M-36908-2026

2026:PHHC:126697
-1-

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CNR No: PHHC011097982026

2026:PHHC:126697



CRM-M-36908-2026

Sukhpal Singh @ Meli

...Petitioner

Versus

State of Punjab

...Respondent

Sr. No.	Particulars	Details
1	The date when the judgment is reserved	07.09.2026
2	The date when the judgment is pronounced	09.09.2026
3	The date when the judgment is uploaded on the website	09.09.2026
4	Whether only operative part of the judgment is pronounced or full judgment is pronounced	Full
5	The delay, if any, of the pronouncement of full judgment, and reasons thereof	Not applicable

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. S.S. Sandhawalia, Advocate for the petitioner.

Ms. Sakshi Bakshi, Assistant Advocate General, Punjab.

MANISHA BATRA, J :-

The instant one is the second petition filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') by the petitioner seeking grant of regular bail in case bearing FIR No. 143 dated 29.08.2024 registered under Sections 22-C and 29 of Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, '*NDPS Act*') at Police Station Sadar Kotakpura, District Faridkot. His previous petition bearing CRM-M-20441-2025 had been dismissed as withdrawn vide order dated 05.03.2026.



2. As per the allegations, on 29.08.2024, on the basis of a secret information, a police party apprehended the petitioner and co-accused Harbhagwan Singh @ Bhana while they were travelling on a Bajaj Discover motorcycle bearing registration No. PB-04-Q-9796. The petitioner was driving the said motorcycle and the co-accused was riding pillion. During the search, a transparent polythene envelope lying between the petitioner and the co-accused was recovered, which was found to be containing six boxes of Tramadol Hydrochloride Tablets. Each box contained 25 strips and each strip contained 10 tablets, totalling 1,500 tablets weighing 289.5 grams. The recovered contraband was taken into possession. The petitioner and co-accused were formally arrested. During investigation, the petitioner and the co-accused suffered disclosure statements to the effect that they had purchased the recovered tablets from Jaswant Singh at the rate of ₹5,700 per 50 strips and used to sell the same further. On the basis of the said disclosure statements, Jaswant Singh was nominated as an accused in the present case. Investigation now stands concluded.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. A false recovery has been planted upon him. He is in custody since long. He has clean antecedents. The trial will take considerable time to conclude. His further incarceration would not serve any useful purpose. Co-accused Jaswant Singh @ Raju and Harbhagwan Singh have been extended benefit of regular bail. On parity, he too deserves to be released on bail. Each day spent by him in custody has given rise to a fresh



cause of action to him for seeking bail. It is, therefore, argued that the petition deserves to be allowed.

5. *Per contra*, learned State counsel has argued that keeping in view the gravity of the allegations as levelled against the petitioner, he does not deserve to be extended benefit of bail. It is also argued that there is no new or substantive change in the circumstances on the basis of which the petitioner deserves to be extended benefit of bail. There are chances of his absconding or committing similar offences, if extended benefit of bail. Therefore, it is stressed that the petition does not deserve to be allowed.

6. This Court has heard the rival submissions made by learned counsel for the parties at considerable length.

7. The petitioner is alleged to be found in conscious possession of commercial quantity of contraband. He is in custody since 29.08.2024 and has spent a period of about two years in custody. Obviously the trial is likely to take time to conclude. This factor, in the opinion of this Court, is a ground to move for bail afresh. The Hon'ble Apex Court has observed in a catena of cases that an accused cannot be kept in custody for an indefinite period of time, and the bail application can be considered on its own merits even if it is filed repeatedly. It has also been held that every day spent in custody can provide a new cause of action for filing a bail application under certain circumstances. This principle is a part of the broader approach emphasizing that law prefers bail over jail, aiming to balance the rights of the accused with the requirements of the criminal justice system. Prolonged detention itself is



a ground for reconsideration of bail since the settled principle of law is that detention prior to trial should not become punitive. It is well settled proposition of law that grant of bail on account of delay in trial and long period of incarceration is to be considered in the light of Section 37 of the NDPS Act. Reliance in this regard can be placed upon the observations made by Hon'ble Apex Court in ***Mohd. Muslim @ Hussain v. State (NCT of Delhi), 2023 SCC OnLine SC 352***, wherein it was held that grant of bail on account of undue delay in trial cannot be said to be fettered under Section 37 of the NDPS Act, given the imperative of Section 436-A of Cr.P.C. which is applicable to offence under the Act. It was also observed that jails are overcrowded and their living conditions are, more often than not, appalling. The danger of unjustified imprisonment is that inmates are more likely to be hardened rather than reformed. Reliance can also be placed upon ***Manmandal and Another v. State of West Bengal, Special Leave Petition (Criminal) No.8656 of 2023 decided on 14.09.2023 and Rabi Prakash v. State of Odisha, 2023 SCC Online SC 110***, wherein the Hon'ble Supreme Court had extended benefit of bail to the accused who had been incarcerated for a long period by observing that prolonged incarceration militated against the most precious fundamental right guaranteed under Article 21 of the Constitution and in such a situation, the constitutional principles must override the statutory embargo contained under Section 37 of the NDPS Act.

8. Reliance can also be placed upon the order dated 14.11.2025 passed by the Hon'ble Supreme Court in ***Santosh Pawar Vs. State of Chhattishgarh & Anr., Criminal Appeal No.4883/2025***, wherein it was



observed that rigours of Section 37 of NDPS Act will not be a bar for considering the case of an accused for bail as it comes with a condition that the prosecution would press for an early completion of trial. In the above-mentioned case the Hon'ble Supreme Court held that appellant who was being prosecuted for being in possession of commercial quantity of narcotic substance, was entitled for bail in view of her incarceration for a period of 19 months.

9. Similarly in ***Satender Kumar Antil v. Central Bureau of Investigation, (2022) 10 SCC 51*** prolonged incarceration and inordinate delay engaged the attention of the Hon'ble Supreme Court, which considered the correct approach towards bail, with respect to several enactments, including Section 37 NDPS Act. The court expressed the opinion that Section 436A (which requires inter alia the accused to be enlarged on bail if the trial is not concluded within specified periods) of the Criminal Procedure Code, 1973 would apply.

10. In the case of ***Ismail Khan @ Pathan vs. State of Rajasthan Criminal Appeal No.4911 of 2025*** with regard to recovery of commercial quantity of narcotic substance, the Hon'ble Supreme Court accorded the benefit of bail to the accused in view of prolonged incarceration for a period of 02 years and 08 months of the accused.

11. On analyzing the peculiar facts and circumstances of the present case in the light of the aforementioned principles of law, it transpires that the petitioner has suffered prolonged incarceration for a period of more than two years, the trial is not likely to be concluded in near future; he has clean



antecedents, the continued detention of the petitioner is not likely to serve any fruitful purpose and that there is nothing on record to show that if released on bail, the petitioner will not participate in the trial or will abscond.

12. In view of the above discussion, this Court is of the opinion that a case is made out for grant of bail to the petitioner at this stage. Accordingly, the petition is allowed and the petitioner is ordered to be released on bail on his furnishing personal as well as surety bonds to the satisfaction of the learned trial Court, and subject to the condition that he shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case. He shall appear before the learned trial Court on each and every date of hearing except when his presence is exempted by the trial Court.

13. It is clarified that the observations made above shall not be construed as an expression of opinion of this Court on the merits of the case and shall not influence the outcome of the trial in any manner.

[MANISHA BATRA]
JUDGE

9th September, 2026

Parveen Sharma

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