CNR No:PHHC011098182026
2026:PHHC:099075

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

(22) CRM-M-37800-2026 (O&M)
Date of Decision:**27.07.2026**

AMANDEEP SINGH … Petitioner

Versus

STATE OF PUNJAB ... Respondent

CORAM: HON'BLE MR. JUSTICE VIRINDER AGGARWAL

Present:- Mr. Lupil Gupta, Advocate for the petitioner.

Mr. Baljinder Singh Sra, Addl. A.G. Punjab.

-.-

VIRINDER AGGARWAL, J. (Oral)

1. The present is the second petition instituted under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (corresponding to Section 439 of the Code of Criminal Procedure, 1973), seeking the concession of regular bail pending trial in FIR No. 58 dated 10.07.2024, registered under Sections 21(c), 25 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985, at Police Station Valtoha, District Tarn Taran. It is pertinent to note that the petitioner's earlier bail petition was dismissed as withdrawn by this Court on 17.03.2026. The present petition has been preferred in view of the subsequent developments and the change in circumstances arising thereafter.

2. Briefly stated, the prosecution case, as emerging from the FIR and the material collected during investigation, is that on 10.07.2024, co-accused Vishal Singh and Amandeep Singh were apprehended while allegedly being in conscious possession of 502 grams and 479 grams of heroin, respectively, without any valid permit or licence. During the course

GAURAV SOROT
2026.07.28 09:54
I attest to the accuracy and
integrity of this document

CNR No:PHHC011098182026
2026:PHHC:099075

of investigation, the present petitioner and other accused persons came to be nominated primarily on the basis of the disclosure statements allegedly suffered by the aforesaid co-accused, whereupon their alleged complicity was invoked under Sections 25 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985. Consequently, the investigation proceeded in accordance with law.

3. Learned counsel for the petitioner contends that the petitioner is innocent and has been falsely implicated in the present case. It is submitted that no contraband has been recovered from the petitioner and his implication rests solely upon the disclosure statements of the co-accused. Learned counsel further submits that co-accused Vishal Singh, who is similarly situated, has already been enlarged on regular bail by this Court and, therefore, the petitioner is entitled to the benefit of parity. It is further argued that the delay in conclusion of the trial is wholly attributable to the prosecution and not to the petitioner. Continued incarceration of the petitioner for an indefinite period, despite the slow progress of the trial, would amount to an infringement of his fundamental right to a speedy trial guaranteed under Article 21 of the Constitution of India. Accordingly, it is prayed that the present petition be allowed and the petitioner be enlarged on regular bail.

4. The custody certificate produced by the learned State counsel in Court today is taken on record, subject to all just exceptions.

4.1. I have heard learned counsel for the parties and have gone through the paper book minutely with their able assistance.

GAURAV SOROT
2026.07.28 09:54
I attest to the accuracy and
integrity of this document

CNR No:PHHC011098182026
2026:PHHC:099075

5. The right to a speedy trial is an integral facet of the fundamental right to life and personal liberty guaranteed under Article 21 of the Constitution of India. The constitutional mandate is not confined merely to ensuring a fair trial but also obligates the State to conclude criminal proceedings within a reasonable time so that the process itself does not become punitive.

6. The Hon'ble Supreme Court in ***Hussainara Khatoon v. Home Secretary, State of Bihar, 1980 (1) SCC 81***, authoritatively held that the right to a speedy trial is an essential and integral part of Article 21, and that any procedure which permits prolonged incarceration without expeditious trial cannot be regarded as fair, just or reasonable. The aforesaid principles are in consonance with the Constitution Bench decisions in ***A.R. Antulay v. R.S. Nayak, 1992 (1) SCC 225*****,** and ***P. Ramachandra Rao v. State of Karnataka, 2002 (4) SCC 578***, wherein it was held that the right to a speedy trial is a fundamental right flowing from Article 21 and constitutional courts are duty-bound to intervene wherever inordinate and unexplained delay results in denial of substantive justice.

7. Recently, the Hon'ble Supreme Court, in ***Tapas Kumar Palit v. State of Chhattisgarh, 2025 SCC OnLine SC 322*** and in ***Arvind Dham v. Directorate of Enforcement, 2026 (2) SSC(Criminal) 271***, the Court categorically held that "the right to a speedy trial, enshrined under Article 21 of the Constitution, is not eclipsed by the nature of the offence." It was further held that prolonged incarceration of an undertrial, without commencement or reasonable progress of the trial, effectively converts pre-trial detention into a form of punishment and cannot be constitutionally

GAURAV SOROT
2026.07.28 09:54
I attest to the accuracy and
integrity of this document

CNR No:PHHC011098182026
2026:PHHC:099075

sustained. The Court observed that if the State or the prosecuting agency is unable to secure an accused's fundamental right to a speedy trial, it cannot oppose the grant of bail merely on the ground of the seriousness of the allegations, as Article 21 prevails over statutory restrictions where continued incarceration becomes oppressive and unjustified.

8. This constitutional position has acquired greater significance in prosecutions under special statutes containing restrictive bail provisions. The Narcotic Drugs and Psychotropic Substances Act, 1985 is undoubtedly a stringent penal statute enacted to combat the menace of illicit trafficking in narcotic drugs and psychotropic substances. The principle was specifically applied to prosecutions under the **NDPS Act** in ***Mohd. Muslim @ Hussain v. State (NCT of Delhi), 2023 SCC OnLine SC 352***. The Apex Court held that Section 37 of the NDPS Act cannot be construed so rigidly as to compel indefinite incarceration of an undertrial merely because the trial has not progressed. The Court observed that a literal interpretation of Section 37, divorced from constitutional values, would amount to sanctioning punitive detention before conviction. It was emphatically held that where the State is unable to conclude the trial within a reasonable time, the rigours of Section 37 necessarily yield to the constitutional mandate of Article 21. The Court further observed that Section 436A Cr.P.C. applies even to prosecutions under special statutes and constitutes an important legislative safeguard against indefinite pre-trial detention.

9. Recently, in ***Rabi Prakash v. State of Odisha, 2023 SCC OnLine SC 1109*** and ***Javed Gulam Nabi Shaikh v. State of Maharashtra, 2024 SCC Online SC 1693***, the Hon’ble Supreme Court reiterated that

GAURAV SOROT
2026.07.28 09:54
I attest to the accuracy and
integrity of this document

prolonged incarceration militates against the most cherished fundamental right under Article 21. The Court observed that where the accused has remained in custody for an unduly long period and the trial is nowhere near completion, constitutional liberty must prevail over the statutory embargo contained in Section 37 of the NDPS Act. The Court succinctly held that conditional liberty must override the statutory embargo when the constitutional guarantee itself stands threatened. Similarly, the Apex Court has recently reaffirmed these constitutional principles in.

10. Thus, the legal position that emerges from the above authorities is that while offences under the NDPS Act are undoubtedly grave and the statutory conditions governing bail are stringent, the constitutional guarantee of a speedy trial under Article 21 remains paramount. Courts are required to balance the societal interest in effective prosecution with the individual's fundamental right to personal liberty. Prolonged incarceration of an undertrial without meaningful progress in the trial cannot be justified merely by invoking the rigours of Section 37 of the NDPS Act. In such exceptional circumstances, Constitutional Courts are duty-bound to harmonise the statutory restrictions with the fundamental right to personal liberty and ensure that pre-trial detention does not degenerate into punishment before adjudication of guilt. Where delay is inordinate and not attributable to the accused, constitutional courts are empowered to grant appropriate relief so as to prevent violation of Article 21.

11. It is equally relevant to note that while Section 37 prescribes stringent conditions for grant of bail, the NDPS Act itself reflects the legislative intent that such prosecutions should proceed expeditiously.

GAURAV SOROT
2026.07.28 09:54
I attest to the accuracy and
integrity of this document

CNR No:PHHC011098182026
2026:PHHC:099075

Section 36 empowers the Government to constitute Special Courts for the very purpose of ensuring speedy trial of NDPS offences. Therefore, the statutory scheme itself proceeds on the assumption that greater restrictions on bail are constitutionally sustainable only when accompanied by equally expeditious adjudication. Where the State fails to provide the infrastructure necessary for speedy disposal, continued reliance upon Section 37 alone would produce an unconstitutional imbalance between individual liberty and societal interest. Delay defeats that legislative premise. If trials remain pending for years because of systemic inadequacies, repeated adjournments, non-production of witnesses, or institutional delays not attributable to the accused, continued incarceration ceases to be preventive and assumes a punitive character.

12. In view of the factual matrix and the legal position discussed hereinabove, this Court is of the considered opinion that the petitioner cannot be subjected to indefinite incarceration merely because the allegations pertain to a commercial quantity under the Narcotic Drugs and Psychotropic Substances Act, 1985. The object of pre-trial detention is to secure the presence of the accused during the course of trial and not to impose a punitive detention prior to adjudication of guilt. Once the investigation stands concluded and the delay in the progress of the trial is not attributable to the petitioner, his continued detention would partake the character of pre-trial punishment, which is constitutionally impermissible and contrary to the mandate of Article 21 of the Constitution of India.

12.1. It is also not in dispute that co-accused Vishal has already been enlarged on regular bail by this Court vide order dated 17.07.2026

GAURAV SOROT
2026.07.28 09:54
I attest to the accuracy and
integrity of this document

passed in CRM-M-29842-2026. The petitioner, whose role is stated to be similarly situated, is therefore entitled to claim the benefit of parity. Furthermore, the petitioner has remained in judicial custody since 10.07.2024, having undergone incarceration for more than two years. The progress of the trial is conspicuously sluggish, as only one prosecution witness out of the fifteen cited witnesses has been examined till date. The trial is, therefore, not likely to attain finality in the foreseeable future.

12.2. In these circumstances, continued incarceration of the petitioner would neither advance the cause of justice nor serve any legitimate prosecutorial purpose. Accordingly, without expressing any opinion on the merits of the case, lest it prejudice either party during the course of trial, this Court is satisfied that the petitioner has succeeded in making out a case for the grant of regular bail. Consequently, the present petition is allowed, subject to the petitioner furnishing adequate bail and surety bonds to the satisfaction of the learned Trial Court/Chief Judicial Magistrate/Duty Magistrate concerned, as the case may be, and further subject to the following conditions:-

i. The petitioner(s) shall not, directly or indirectly, make any inducement, threat, or promise to any person acquainted with the facts and circumstances of the case so as to dissuade such person from disclosing such facts before the Court or to the Investigating Agency.

ii. The petitioner(s) shall not tamper with the prosecution evidence in any manner whatsoever, nor shall the petitioner(s), directly or

GAURAV SOROT
2026.07.28 09:54
I attest to the accuracy and
integrity of this document

CNR No:PHHC011098182026
2026:PHHC:099075

indirectly, attempt to influence, intimidate, or contact any prosecution witness.

iii. The petitioner(s) shall not leave the territorial limits of India without obtaining the prior permission of the learned Trial Court. In the event any of the petitioner(s) is in possession of a passport, the particulars thereof shall be furnished before the Investigating Officer as well as the learned Trial Court.

iv. Before accepting the bail and surety bonds, the learned Illaqa Magistrate/Duty Magistrate/C.J.M. concerned shall obtain from the petitioner(s) the permanent residential address as well as the present correspondence address, duly supported by appropriate documentary proof. The Investigating Officer shall verify the correctness of the said addresses within 48 hours of the acceptance of the bail bonds and place a verification report on record. In the event any of the addresses is found to be false, fictitious, or incorrect, it shall be open to the prosecution to seek cancellation of the concession of bail in accordance with law.

v. The petitioner(s) shall furnish before the learned Trial Court, either at the time of furnishing the bail bonds or within such period as may be specified by the Court, the Permanent Account Number (PAN), Aadhaar Number, particulars of all operative bank accounts, and a declaration disclosing details of immovable properties, if any. Any concealment of material particulars or furnishing of false information shall constitute a valid ground for seeking cancellation of the concession of bail in accordance with law.

vi. The petitioner(s) shall intimate the Investigating Officer as well as the learned Trial Court, in writing, of any change in residential address or mobile number within seven days of such change.

GAURAV SOROT
2026.07.28 09:54
I attest to the accuracy and
integrity of this document

vii. The petitioner(s) shall not commit any offence of a similar nature during the pendency of the trial and shall remain present before the learned Trial Court on each and every date fixed, unless personal appearance is exempted in accordance with law. The petitioner(s) shall not absent from the proceedings without obtaining prior permission of the learned Trial Court. In the event of violation of any of the aforesaid conditions or unauthorized absence from the trial proceedings, it shall be open to the learned Trial Court to proceed in accordance with law, including cancellation of the concession of bail and issuance of appropriate coercive process, including warrants of arrest.

13. In light of the final disposition of the captioned matter, all pending miscellaneous and interconnected applications are hereby deemed disposed of. The adjudication of the primary dispute has spent the force of these ancillary proceedings, rendering them infructuous *ex facie*. Consequently, no independent or supplemental orders are warranted or required in respect thereof.

(VIRINDER AGGARWAL)
JUDGE

27.07.2026
Gaurav Sorot

Whether reasoned / speaking? Yes / No

Whether reportable? Yes / No

GAURAV SOROT
2026.07.28 09:54
I attest to the accuracy and
integrity of this document