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

**CRM-M-47082-2024  
Date of decision : 01.07.2025**

Satgur Singh alias Satguru

...Petitioner

Versus

State of Haryana

...Respondent

**CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU**

Present: Mr. L.S. Sekhon, Advocate  
for the petitioner.

Mr. Neeraj Sheoran, DAG, Haryana.

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**MAHABIR SINGH SINDHU, J.**

Present third petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 (fort short 'Cr.P.C.') for grant of bail pending trial to petitioner in FIR No.200 dated 16.05.2021, under Section 22(c) of the Narcotic Drugs & Psychotropic Substances Act, 1985; Section 269 of the Indian Penal Code, 1860 and Section 51(b) of the Disaster Management Act, 2005, registered at Police Station City Tohana, District Fatehabad.

2. Allegations are that 2000 Tramadol Hydrochloride tablets (commercial quantity) was recovered from conscious possession of petitioner.



3. Learned State counsel has produced custody certificate dated 28.06.2025 of petitioner, which is taken on record. Registry to tag the same at appropriate place.

4. Contends that petitioner is in custody since 18.05.2021 and after investigation, final report under Section 173 of Cr.P.C. was presented on 22.10.2021; charges were framed on 18.11.2022 and out of total 19 Prosecution Witnesses, 14 have been examined till date, thus, trial is likely to take sufficient long time. Further contends that there is no allegation that petitioner is likely to misuse the concession and/or hamper the proceedings in any manner, in case released on bail.

5. *Per contra*, learned State counsel has fairly acknowledged the factum of custody of petitioner, but opposed the prayer on the premise that allegations against him are serious in nature.

6. Heard both sides and perused the paper-book.

7. Concededly, petitioner is in custody since 18.05.2021; after investigation, final report under Section 173 of Cr.P.C. was presented on 22.10.2021; charges were framed on 18.11.2022 and out of total 19 PWs, 14 have been examined till date.

8. Although there is a bar under Section 37 of NDPS Act, but keeping in view the fact that petitioner is in custody for the last more than 4 years and there is no other case pending against him; thus taking into consideration the mandate of Article 21 of the Constitution, rigors of twin test satisfaction under Section 37 of the NDPS Act deserves to

be diluted and as such, there may be no justification for further incarceration of the petitioner.

9. Consequently, present petition is allowed; petitioner shall be admitted to bail on furnishing bail/surety bonds to the satisfaction of learned Special Court/Chief Judicial Magistrate/Duty Magistrate concerned.

10. Petitioner shall appear on each & every date of hearing and to fully co-operate with learned Special Court without seeking any unnecessary adjournment(s).

11. The above observations may not be construed as an expression of opinion on the merits of the case.

12. It is clarified that in case there is recurrence or any misuse of concession of bail on the part of the petitioner, State would be at liberty to move an appropriate application for recalling of this order.

Pending application(s), if any, shall also stand disposed off.

**01.07.2025**

*Ithlesh*

**(MAHABIR SINGH SINDHU)  
JUDGE**

Whether speaking / reasoned :	Yes	No
Whether Reportable :	Yes	No