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

**CRM-M- 45057-2025
Date of Decision: 25.08.2025**

SUKHWINDER SINGH ALIAS PREET

... PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE SUBHAS MEHLA

Present: Mr. Karandeep Singh Sidhu, Advocate
for the petitioner.

Mr. Sandeep Kumar, Deputy Advocate General, Punjab.

SUBHAS MEHLA, J. (ORAL)

1. The petitioner is seeking regular bail in FIR No.85 dated 16.05.2023, under Sections 15, 25 and 29 of the NDPS Act, 1985 (Sections 411, 473 IPC added later on vide DDR no. 44 dated 18.09.2023 registered at Police Station Sadar Fazilka, District Fazilka.

2. Learned counsel for the petitioner contended that the petitioner has been falsely implicated in the present case. He is in custody for more than two years, the co-accused have been released on bail and that the trial of the case is likely to consume considerable time as out of total 24 prosecution witnesses none has been examined till date. He prays that the



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petitioners be released on regular bail during the pendency of the trial. The prolonged incarceration without trial violates the petitioner's Fundamental Right under Article 21 of the Constitution of India. The petitioner undertakes to abide by all conditions imposed by this Hon'ble Court and assures that he will not tamper with evidence, influence witnesses, or abscond during trial.

3. *Per contra*, learned State counsel, appearing on advance notice, vehemently opposes the prayer for grant of regular bail to the petitioner and submits that the contraband is of commercial quantity and the petitioner is also facing trial in one more case which is also under NDPS Act. He contends that in case the petitioner is granted the concession of regular bail, he will misuse the same. He has filed his custody certificate, which is taken on record.

4. Faced with this, learned counsel for the petitioner rebut the contentions made by learned State counsel and contends that the co-accused is also having other pending case but he has been granted bail by the Coordinate Bench of this Court.

5. Heard.

6. In view of the submission of learned counsel for the petitioner, keeping in view the facts and circumstances of the present case and the fact that the petitioner is in custody for more than two years and that the co-accused have also been granted bail and that out of total 24 prosecution witnesses none has been examined so far and the trial would take sufficient time to conclude, I deem it a fit case to grant the concession of regular bail to the petitioner.



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7. Therefore, without expressing any opinion on the merits of the case, the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing requisite bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate concerned.

25.08.2025

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(SUBHAS MEHLA)
JUDGE

Whether speaking/reasoned *Yes/No*

Whether reportable *Yes/No*