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CRM-M-37738-2026
Decided on: 10 Sep. 2026

...Petitioner

State of Punjab

...Respondent

Present: Mr. P.S. Ahluwalia, Sr. Advocate, with
Mr. Deepinder Singh Virk, Advocate
for the petitioner.

Ms. Pooja Nayar Sharma, DAG, Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
56	15.05.2013	Banur, Mohali	379, 411, 468, 471, 473, 120-B IPC (Corresponding to Section 303(2), 317(2), 336(3), 340(2), 341(2) and 61(2) of BNS) Sections 21, 22, 25, 25-A & 29 of NDPS Act and Sections 25/54/59 of Arms Act 1959

PETITIONER'S CUSTODY AS PER CUSTODY CERTIFICATE	
NAME	Sarabjit Singh
FIR NO.	56 dated 15.05.2013
DATE	31.08.2026
Petitioner's custody	04 years 06 months 13 days

1. Seeking regular bail in the FIR captioned above, the petitioner has come up before this Court by filing the present petition under Section 483 BNSS 2023 (439 CrPC).
2. The bail matters are posted before a Single Bench, but the present bail petition has been listed before a Division Bench because of certain specific orders, for the reason that it pertains to an infamous organized syndicate of Jagdish Singh alias Bhola. Even Mr. P.S. Ahluwalia, the Ld. Sr. Advocate appearing for the Petitioner, does not dispute the

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jurisdiction of the Division Bench to adjudicate the present bail petition; as such, we do not wish to elaborate further.

3. As per the custody certificate dated August 31, 2026, the custody of the applicant, Sarabjeet Singh, in the present FIR No.56 of 2013 is 04 years, 06 months & 13 days. One of the petitioner's grounds for seeking bail is also prolonged custody and delayed trial.

4. The facts of the case are being taken from the reply dated July 30, 2026, filed by the Deputy Superintendent of Police, Circle Banur, District Patiala, Punjab.

5. The present FIR was registered on May 15, 2013, based on secret information received from the then SHO of the Police Station Banur. The concerned SHO had received secret information that Satinder Dhama and Baljinder Singh @ Sonu, along with other members of their organized gang, were stealing luxury vehicles, forging their registration certificates, preparing fake number plates, and using such vehicles to transport Methamphetamine (Ice), Pseudoephedrine, and other narcotic substances. The secret informant also stated that on the date, i.e., May 15, 2013, Satinder Dhama would be traveling from Amritsar toward Delhi in a Verna car with a fake registration number, carrying a huge quantity of narcotic substances. Based on this information, the police laid a barricade, detected the car, and recovered 500 grams of Ice (Methamphetamine) concealed in the vehicle's dashboard. After that, the investigation led to the involvement of co-accused Baljinder Singh alias Sonu, from whom the police recovered 20 kg of Pseudoephedrine and Methamphetamine (Ice), forged registration certificates, fake number plates, mobile phones, laptops, and other articles used to commit the offense.

6. On May 17, 2013, the investigation of the case was transferred to CIA staff in Patiala, who conducted further interrogation and nominated Deep Singh, alias Deepu; Jagdish Singh, alias Bhola; Paramjit Singh, alias Pamma; Sarabjeet Singh, alias Saba; Surjit Singh; and the present petitioner, Sarabjit Singh, son of Jang Singh. It is stated that the present petitioner, Sarabjit Singh, was posted as a Sub-Inspector in the Punjab Police when he was nominated as an accused.

7. As per paragraph 8 of the reply, the present petitioner, Sarabjit Singh, who was posted as a Sub-Inspector in the Punjab Police and was later dismissed from service, was actively associated with the organized drug trafficking syndicate headed by Jagdish Singh, alias Bhola, and other co-accused. He was formally arrested in the present case on Feb 09, 2022.

8. The investigation found the petitioner's involvement and that he had abused his official position as a Police Officer to facilitate the activities of the organized drug



trafficking syndicate. It also came to the investigation that the petitioner would wear his official police uniform to ensure that the vehicles transporting narcotic drugs and psychotropic substances crossed the police nakas (barricades) and checkpoints without interception, and, as such, was providing protection to the members of the syndicate and to the transportation of the drugs.

9. In paragraph number 11, it has been mentioned that the quantity of the drugs which have been recovered from the accused has been mentioned and reads as follows:

“I. From accused Satinder Dhama (15.05.2013 & 16.05.2013):

- 500 grams of Methamphetamine (Ice) recovered at the time of his apprehension.
- 10 kilograms of Pseudoephedrine recovered pursuant to his disclosure statement from Fortuner vehicle No. PB-11-AV-0003 parked at Mata Kaushalya Hospital, Patiala.
- Besides the above, stolen vehicle registration certificates (originals and photocopies), forged number plates, vehicle locks and keys, mobile phones, laptops, tool kits, DVDs, central locking remotes and other incriminating articles were also recovered from the said vehicle.

II. From accused Baljinder Singh @ Sonu (16.05.2013):

- 500 grams of Methamphetamine (Ice).
- 10 kilograms of Pseudoephedrine, recovered pursuant to his disclosure statement from Skoda Superb car No. PB-10-CN-4009 parked behind Simran Dhaba, Banur.

III. From accused Jagdish Singh @ Bhola (11.11.2013 & 18.11.2013):

- 1 kilogram of Methamphetamine.
- 10 kilograms of Pseudoephedrine.
- 600 grams of Ephedrine.
- 900 grams of Dextropropoxyphene (intoxicant powder).

IV. From accused Sarabjit Singh @ Saba (11.11.2013 & 18.11.2013):

- 500 grams of Methamphetamine.
- 10 kilograms of Pseudoephedrine.
- 600 grams of Ephedrine.



- 900 grams of Dextropropoxyphene (intoxicant powder).

V. Other recoveries during investigation:

- The investigation also led to recovery of large quantities of controlled substances and precursor chemicals from pharmaceutical units, including 110 kilograms of mixed intoxicant powder, 225 kilograms of Pseudoephedrine, 165 kilograms of mixed intoxicant powder, 175 kilograms of Pseudoephedrine, 25 kilograms of Metformin, 8.5 kilograms of Metformin, 50 kilograms of Sodium Chloride, besides 250 grams of Methamphetamine from different premises, apart from forged invoices and other incriminating articles.

10. It will be appropriate to refer to the role of the petitioner from the reply, which reads as follows:-

“ROLE OF PETITIONER: The petitioner, while serving as a Sub-Inspector in Punjab Police (subsequently dismissed from service), is alleged to have actively facilitated the organized drug trafficking syndicate headed by Jagdish Singh @ Bhola and other co-accused. The investigation has revealed that the petitioner abused his official position by providing protection to the members of the syndicate and facilitating the movement of vehicles transporting commercial quantities of narcotic drugs through police nakas and checking points without interception. After his nomination in the case, the petitioner absconded, was declared a Proclaimed Offender on 04.10.2013, and was subsequently arrested on production warrants in the year 2022, whereafter a supplementary police report was presented exclusively against him.”

11. Dealing in METAMFETAMINE is a punishable offence in the following terms:

Substance Name	METAMFETAMINE/Methamphetamine/ Ice/ Meth	
Punishable U/s	S.22 of NDPS Act, 1985	
Drug's Small & Commercial Qty. suggested by Committee report		
Notification No. & date	Expert Committee Report dated 24.03.1995 & 23.08.2001 (Small and Commercial)	
Specified as small & Commercial in S.2(viia) & 2(xiiia) NDPS Act, 1985		
Notification No. & dated	S.O.1055(E)	10/19/2001
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Sr. No.	159	
Common Name (Name of Narcotic Drug and Psychotropic Substance (International non-proprietary name (INN)	METAMFETAMINE	
Other non-proprietary name	methamphetamine	
Chemical Name	(±)-(S)-N,α-dimethylphenethylamine,(+)2methylamino-1-Phenylpropane	
Small Quantity	< 2 Gram	
Commercial Quantity	> 50 Gram	
Declared as punishable under NDPS Act and as per schedule defined in S.2(xi) & 2(xxiii) NDPS Act, 1985		
Notification No. & dated	NDPS Act, 1985 (61 of 1985), S.O. 821(E)	11/14/1985
Sr. No.	19	
Common Name (Name of Narcotic Drug and Psychotropic Substance (International non-proprietary name (INN)	METHAMPHETAMINE	
Other non-proprietary name	*****	
Chemical Name	(+)2-Methylamino-1-phenylpropane	

12. Dealing in pseudoephedrine is a punishable offence in the following terms:

Substance Name	CATHINE/ (+)-norpseudoephedrine	
Punishable U/s	S.22 of NDPS Act, 1985	
Drug's Small & Commercial Qty. suggested by Committee report		
Notification No. & date	Expert Committee Report dated 24.03.1995 & 23.08.2001 (Small and Commercial)	
Specified as small & Commercial in S.2(viia) & 2(xxiii) NDPS Act, 1985		
Notification No. & dated	S.O.1055(E)	10/19/2001
-		
Sr. No.	171	



Common Name (Name of Narcotic Drug and Psychotropic Substance (International non-proprietary name (INN)	CATHINE	
Other non-proprietary name	(+) -norpseudoephedrine	
Chemical Name	(+) - (R) - alpha - [(R) - 1 - aminoethyl]benzyI al- cohol	
Small Quantity	< 2 Gram	
Commercial Quantity	> 50 Gram	
Declared as punishable under NDPS Act and as per schedule defined in S.2(xi) & 2(xxiii) NDPS Act, 1985		
Notification No. & dated	S.O.785(E)	10/26/1992
Sr. No.	94	
Common Name (Name of Narcotic Drug and Psychotropic Substance (International non-proprietary name (INN)	CATHINE	
Other non-proprietary name	(+) -norpseudo-ephedrine	
Chemical Name	(+) - (R) - μ - [(R) - 1 - aminoethyl] benzyI alcohol	

13. The quantity allegedly involved in this case is commercial. Given this, the rigors of §37 of the NDPS Act, 1985, apply in the present case. The petitioner must satisfy the twin conditions set by the Legislature under Section 37 of the NDPS Act.

14. Section 37¹ of the NDPS Act, 1985 mandates under sub-section (1) (b) of §37 that no person accused of an offense punishable for offenses involving commercial quantity shall be released on bail unless- (i) the Public Prosecutor has been given an opportunity to oppose the application for release, and (ii) where the Public Prosecutor opposes the application, the Court is satisfied that there are reasonable grounds for believing that the

¹37. **Offences to be cognizable and non-bailable.**—(1) Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (2 of 1974),—
(a) every offence punishable under this Act shall be cognizable;
(b) no person accused of an offence punishable for offences under section 19 or section 24 or section 27A and also for offences involving commercial quantity shall be released on bail or on his own bond unless—
(i) the Public Prosecutor has been given an opportunity to oppose the application for such release, and (ii) where the Public Prosecutor opposes the application, the court is satisfied that there are reasonable grounds for believing that he is not guilty of such offence and that he is not likely to commit any offence while on bail.
(2) The limitations on granting of bail specified in clause (b) of sub-section (1) are in addition to the limitations under the Code of Criminal Procedure, 1973 (2 of 1974) or any other law for the time being in force on granting of bail.



accused is not guilty of such offense and is not likely to commit any offense while on bail. Thus, the rigors of §37 of the NDPS Act apply in the present case, and the burden is on the petitioner to satisfy the twin conditions put in place by the Legislature under §37 of the NDPS Act. Given the legislative mandate of §37 of the NDPS Act, the Court can release a person accused of an offense punishable under the NDPS Act for possessing a commercial quantity of contraband only after recording reasonable satisfaction of its rigors.

15. Satisfying the fetters of §37 of the NDPS Act is like candling infertile eggs. The stringent conditions of §37, placed in the statute by the legislature, do not bar bail for specified categories, including the commercial quantity; however, they create hurdles by placing a reverse burden on the accused. Once that burden is crossed, the rigors no longer apply, and the factors for bail become similar to those in bail petitions under general penal statutes like the IPC. Thus, both twin conditions must be satisfied before a person accused of possessing a commercial quantity of drugs or psychotropic substances is released on bail. The first condition is to provide the Public Prosecutor with an opportunity to take a stand on the bail application. The second stipulation is that the Court must be satisfied that there are reasonable grounds to believe that the accused is not guilty of such an offense and is not likely to commit any offense while on bail. If either condition is not met, the ban on granting bail applies. The expression “reasonable grounds” means something more than prima facie grounds. It contemplates the Court’s prima facie analysis to assess whether the accused is guilty of the alleged offense. Even if one condition is met, namely reasonable grounds to believe the accused is not guilty of such an offense, no Court can give a finding on the second condition that the accused is not likely to commit any such crime again.

16. The rigors of §37 of the Narcotic Drugs And Psychotropic Substances, Act, 1985 and also under §45 of the Prevention of Money Laundering Act, 2002, place an obligation on the Courts to satisfy themselves about the quality of evidence and the possibility of recidivism. Thus, as the foundational guardians of fundamental rights, the Constitutional Courts must balance the right under Article 21 with the restrictions imposed by these rigors.

17. The petitioner seeks bail primarily on the grounds of parity with co-accused Deep Singh, who was tried separately and has been acquitted, and as such the conditions under §37 of the NDPS Act automatically stand satisfied. However, before analyzing this, the principles of parity apply only if the case is identical or similar.

18. In paragraph 17 of the reply, the fact of the co-accused's acquittal is not denied, but it is stated that they were acquitted after trial and that their roles are different.



19. Regarding parity with the co-accused who were acquitted by the Special Judge, SAS Nagar, Mohali, by its judgment dated Feb 13, 2019, it is mentioned that Deep Singh alias Deepu was put to trial, whereas the petitioner had absconded and he was declared a proclaimed person and is now being tried because he was not arrested. It is contended that, in the opinion of the trial judge, the allegations against Deep Singh @ Deepu could not be substantiated, whereas the allegations against the present petitioner are serious and there is evidence of misuse of his official position. In paragraph 19 of the reply, it has been mentioned that the present petitioner was entrusted with the duty of enforcing law and order and preventing offenses; as such, the evidence to that effect has to be considered, and the petitioner is not entitled to acquittal on parity with Deep Singh.

20. Petitioner's counsel also submits that the petitioner was nominated during the interrogation of Deep Singh, who has been acquitted; as such, nothing remains against the present petitioner. However, counsel for the State submits that the allegations against Deep Singh were not that he was a police officer misusing his official position, whereas the evidence against the petitioner is that, while in police uniform, he would ensure that the vehicle would not be intercepted; and massive quantity of narcotic substances would cross the police check post; as such, he is not entitled to parity.

21. An analysis of the above argument regarding grant of bail on parity with the acquittal of Deep Singh would lead to the outcome that the petitioner is placed on a much higher pedestal for the reason that he was facilitating the transportation of massive quantities of drugs by ensuring that the vehicles were not intercepted, and at that time he would wear his official uniform. The allegations and the evidence collected so far, as mentioned in the reply, make the petitioner's role extremely serious; as such, he is not entitled to bail on parity with Deep Singh.

22. The stringent conditions of §37 placed in the statute by the legislature does not affect the powers of Courts to grant bail, but mandates overcoming stringent tests for specified categories, including the commercial quantity and creates hurdles by placing a reverse burden on the accused, however, once crossed, the rigors no more exist, and the factors for bail become similar to the bail petitions under general penal statutes like IPC. Therefore, both the twin conditions must be satisfied before a person accused of possessing a commercial quantity of drugs or psychotropic substances is to be released on bail. If either of these conditions are not met, the embargo on granting bail operates.

23. The submissions made above, and the grounds in the bail petition, do not shift the burden the legislature places on the accused under S. 37 of the NDPS Act. The petitioner

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has not stated anything in the bail petition to discharge the burden imposed by the stringent conditions placed by the legislature under Section 37 of the NDPS Act. The investigation reveals sufficient prima facie evidence to connect the petitioner with the crime; thus, the petitioner fails to make out a case for bail. Any detailed discussions about the evidence may prejudice the case of the petitioner, the State, or the other accused.

24. Mr. P.S. Ahluwalia, Sr. Advocate, pointed out that according to the custody certificate dated 31.08.2026, the applicant has been in custody in the present case for 04 years 06 months & 13 days, which is prolonged, and the petitioner is entitled to bail on such a long pre-trial custody.

25. Undeniably, the custody of 04 years 06 months & 13 days is not short, but it must be assessed in light of the gravity of the offense, the quantity of contraband involved in the present case, and the petitioner's role as a Police Officer; instead of controlling the drugs and their abuse, he was instrumental in their trafficking and distribution. It is one of the biggest cases in the State of Punjab, and the petitioner misused his official position; the large commercial quantities of drugs trafficked and transported came to the notice of the investigating agencies. In the present case, the maximum sentence that can be imposed is 20 years. In the given facts, as mentioned hereinbefore, considering the petitioner's role and the quantity of drugs involved, and that he was a proclaimed person the petitioner is not entitled to bail on prolonged pre-trial custody at this stage.

26. A perusal of the bail petition and the documents attached prima facie points towards the petitioner's involvement and does not make out a case for bail. The impact of the crime would also not justify bail. Any further discussions will likely prejudice the petitioner; this court refrains from doing so.

27. Mr. P.S. Ahluwalia, Sr. Advocate, pointed out that the trial is proceeding at a snail's pace, that he cannot be kept in custody indefinitely during the trial, and that the delayed trial has violated his right to life under Article 21² of the Constitution of India.

28. The law of bail, like any other branch of law, has its own philosophy, and occupies an important place in the administration of justice and the concept of bail emerges from the conflict between the police power to restrict liberty of a man who is alleged to have committed a crime, and presumption of innocence in favour of the alleged criminal.³In

² Art 21. Protection of life and personal liberty. —No person shall be deprived of his life or personal liberty except according to procedure established by law.

³Supreme Court of India in [Vaman Narain Ghiya v. State of Rajasthan](#), [E-SCR] ; [2008] 17 SCR 369, Para 16, decided on 12.12.2008.



deciding bail applications an important factor which should certainly be taken into consideration by the Court is the delay in concluding the trial. Often this takes several years, and if the accused is denied bail but is ultimately acquitted, who will restore so many years of his life spent in custody? Is Article 21 of the Constitution, which is the most basic of all the fundamental rights in our Constitution, not violated in such a case? Of course this is not the only factor, but it is certainly one of the important factors in deciding whether to grant bail.⁴ Personal liberty is a very precious fundamental right and it should be curtailed only when it becomes imperative according to the peculiar facts and circumstances of the case.⁵ Personal liberty deprived when bail is refused, is too precious a value of our constitutional system recognised under Art. 21 that the curial power to negate it is a great trust exercisable, not casually, but judicially with lively concern for the cost to the individual and the community.⁶ When the undertrial prisoners are detained in jail custody to an indefinite period, Article 21 of the Constitution is violated.⁷

29. Depending on the penal provisions invoked, the sentence prescribed in the penal provisions invoked, the gravity of the offense, the role of the accused, and the criminal antecedents, every incarceration, sooner or later, would certainly entitle the inmate to bail for violation of the fundamental right to life, guaranteed under Article 21 of the Constitution of India, on the grounds of prolonged custody.

30. In *Union of India (NCB) v. Khalil Uddin*, 2022 SCC OnLine SC 2109, decided on 21 Oct 2022, the contraband was 13 kg of morphine, and the Hon'ble Supreme Court while setting aside the order of bail passed by the High Court, directed the Trial Court to take up the matter and conclude the proceedings as early as possible and preferably within six months.

31. In *Narayan Takri v. State of Odisha*, decided on 10 Sep 2024, SLP (Crl.) 8198-2024, the contraband was 125.3 kg. of Ganja, and the Hon'ble Supreme Court did not overturn the order of rejection of bail but observed that if the trial is not completed by the end of this year, (i.e. within 3 ½ months), the petitioners shall be at liberty to renew their prayer for bail before the trial court.

32. In *High Court Bar Association, Allahabad v. State of U.P. & Ors.*, 2024-INSC 150,

⁴Supreme Court of India in *State of Kerala v Raneeff*, SC 2J [E-SCR]; [2011] 1 SCR 590, Para 4, decided on 03.01.2011.

⁵ Supreme Court of India in *Siddharam Satlingappa Mhetre v. State of Maharashtra and Ors*, SC 2J [E-SCR], Paragraph 127, decided on 02.12.2010.

⁶ Supreme Court of India in *Babu Singh &ors v. State of UP*, [E-SCR] P. 777, decided on 31.01.1978.

⁷ Supreme Court of India in *Sanjay Chandra v. CBI* , [2011] 13 (ADDL.) S.C.R. 309, Para 26, [E-SCR], decided on 23.11.2011.



decided on 29-02-2024, a Constitutional bench of the Hon’ble Supreme Court holds,

[33]. The Courts, superior in the judicial hierarchy, cannot interfere with the day-to-day functioning of the other Courts by directing that only certain cases should be decided out of turn within a time frame. In a sense, no Court of law is inferior to the other. This Court is not superior to the High Courts in the judicial hierarchy. Therefore, the Judges of the High Courts should be allowed to set their priorities on a rational basis. Thus, as far as setting the outer limit is concerned, it should be best left to the concerned Courts unless there are very extraordinary circumstances.

33. When the quantity of drugs is more than 10 times the commercial quantity, the Courts must expedite the trials, and if any of the co-accused, who is on bail, delays the trial, in order to render real Justice to all, one of the steps is to revoke the bail granted to the co-accused, who is instrumental in the delay.

34. In the present case, considering the delay, we are requesting the trial Court to expedite the trial on one of the top priorities.

35. Any observation made hereinabove is tentative and is not an expression of opinion on the case's merits, and it shall have no bearing on the trial or on the case of the co-accused and the trial Court shall not advert to these comments.

PETITION DISMISSED.

(ANOOP CHITKARA)
JUDGE

(HARMEET SINGH DEOL)
JUDGE

Sep 10, 2026
Anju Saini

Whether speaking/reasoned	YES
Whether reportable	YES