



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

CRM-M-39128-2025

Date of decision :29.07.2025

Amandeep Singh @ Amna

.....Petitioner

versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Ritesh K. Sharma, Advocate for the petitioner.

Mr. Raj Karan Singh, A.A.G., Punjab.

RAJESH BHARDWAJ, J. (Oral)

1. Present petition has been filed for grant of regular bail to the petitioner in case FIR No.0033 dated 13.04.2024, under Section 22 of Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Mehatpur, District Jalandhar.

2. Succinctly the facts of the case are that the police party while on patrolling on 13.04.2024, saw a young man coming on foot. On seeing the police, he threw a transparent plastic polythene on the ground which he was holding in his right hand. On suspicion, he was stopped. On asking, he disclosed his name as Amandeep Singh @ Amna (present petition). He was suspected to be carrying some contraband in the polythene which was thrown and thus, on giving the offer, search was conducted. On conducting the search, 100 loose intoxicant tablets were recovered from the same. He failed to produce any licence regarding the possession of the same and thus, he was arrested on the spot. On registration of FIR, investigation commenced. Samples taken from the contraband were sent to FSL. As per the FSL report, the tablets recovered from the petitioner were found to be containing contraband Etizolam weighing 9.4 grams. On completion of investigation, challan was



presented and on framing of charges, the trial commenced. The petitioner approached the learned Judge, Special Court, Jalandhar for grant of bail, however, after hearing both the sides, the same was declined by the learned Judge, Special Court, Jalandhar vide order dated 16.05.2024. Aggrieved by the same, the petitioner is before this Court by way of filing the present petition.

3. Learned counsel for the petitioner has vehemently contended that the petitioner has been falsely implicated in the present case by planting fake recovery upon him. He submits that the alleged recovery has been effected from a public place, however, no independent witness was joined by the investigating agency. He submits that the recovery was effected from the person of the petitioner where compliance of Section 50 of NDPS Act, is mandatory, however, there is violation of the same. He submits that though the petitioner has been convicted in one more case, however, his sentence has already been suspended in that case by this Court. It is after the suspension the suspension in another case, he has been implicated in the present case. He submits that he is behind bars since the date of his arrest, however, the trial is not concluded till date. He thus, submits that in the facts and circumstances of the case, the petitioner deserves to be granted bail.

4. Per contra, learned State counsel has opposed the submissions made by the counsel for the petitioner and submits that the recovery effected from the petitioner weighs 9.4 grams of Etizolam tablets, which is a commercial quantity and thus, the provisions of Section 37 of NDPS Act, are attracted in the present case. He submits that the petitioner is a habitual offender as he has already been convicted in similar case on the earlier occasion. He, on instructions, submits that out



of 13 prosecution witnesses, only 03 witnesses have been examined so far. He has produced the custody certificate of the petitioner on record.

5. After hearing counsel for the parties and perusing the record, it is deciphered that the petitioner was arrested in the present case on 16.11.2024 and since then he is behind bars. As per the FSL report, the recovery effected was found to be containing 9.4 grams of etizolam. As submitted before this Court, only 03 witnesses out of total 13 prosecution witnesses has been examined so far. Though the petitioner is involved in one more case, however, his sentence is already suspended in the same.

6. In view of the facts and circumstances of the present case, this Court cannot ignore the fact that the speedy trial is the fundamental right of every accused. As held by the Hon'ble Supreme Court in **Mohd Muslim @ Hussain Vs. State (NCT of Delhi), 2023 LiveLaw(SC)260**, this Court is of the opinion that the case of the petitioner is covered by the ratio of law laid down by the Hon'ble Supreme Court. In the abovesaid case Hon'ble Supreme Court expressed its views as under:-

19. A plain and literal interpretation of the conditions under Section 37 (i.e., that Court should be satisfied that the accused is not guilty and would not commit any offence) would effectively exclude grant of bail altogether, resulting in punitive detention and unsanctioned preventive detention as well. Therefore, the only manner in which such special conditions as enacted under Section 37 can be considered within constitutional parameters is where the court is reasonably satisfied on a prima facie look at the material on record (whenever the bail application is made) that the accused is not guilty. Any other interpretation, would result in complete denial of the bail to a person accused of offences such as those enacted under Section 37 of the NDPS Act.

20. xxxxx



21.it would be important to reflect that laws which impose stringent conditions for grant of bail, may be necessary in public interest; yet, if trials are not concluded in time, the injustice wrecked on the individual is immeasurable.

22. xxxxx

23. There is a further danger of the prisoner turning to crime, “as crime not only turns admirable, but the more professional the crime, more honour is paid to the criminal”²² (also see Donald Clemmer’s ‘The Prison Community’ published in 1940²³). Incarceration has further deleterious effects - where the accused belongs to the weakest economic strata: immediate loss of livelihood, and in several cases, scattering of families as well as loss of family bonds and alienation from society. The courts therefore, have to be sensitive to these aspects (because in the event of an acquittal, the loss to the accused is irreparable), and ensure that trials – especially in cases, where special laws enact stringent provisions, are taken up and concluded speedily.

7. The veracity of the allegations would be assessed only after the conclusion of the trial and on the appreciation of evidence to be led by both the parties before the trial Court. The trial of the case will take sufficiently long time. Thus, keeping in view the overall facts and circumstances of the case, this Court is of the opinion that learned counsel for the petitioner succeeds in making out a case for grant of regular bail. Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the concerned Court/Duty Magistrate.

29.07.2025

ps-I

(**RAJESH BHARDWAJ**)

JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No