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

**CRM-25106-2025 in/and
CRM-M-13759-2025
Date of decision : 09.07.2025**

Balvir Singh @ Balveer Singh @ Sonu**.....Petitioner**

versus

State of Punjab**..... Respondent****CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ**

Present :- Mr. Rehat Bir Singh Mann, Advocate
for the petitioner.

Ms. Simran Gorla, A.A.G., Punjab.

RAJESH BHARDWAJ, J. (Oral)**CRM-25106-2025**

Allowed as prayed for.

Main case

1. Petitioner has approached this Court by way of present petition praying for grant of regular bail in case FIR No.39 dated 30.06.2023, under Sections 15, 25, 29 of NDPS Act (Sections 25/29 of NDPS Act added later on) registered at Police Station Ajitwal, District Moga.

2. Succinctly the facts of the case are that on 30.06.2023, the police party while on patrolling received a secret information to the effect that Sarbjit Singh @ Sarba, Sandeep Singh @ Sonu, Balbir Singh @ Sonu (petitioner), Amro Bai wife of not known, Jit Kaur @ Jeeto wife of not known, were involved in selling of poppy husk and selling the same in the neighbouring villages. It was informed that all of them were coming from the side of Jalalabad in Bolero bearing number PB 13AF 4564 for selling the poppy husk and if nakabandi is done, then they could be arrested along



with contraband. On receiving the secret information, the raiding team was constituted and the barricading was laid by the police party at the place disclosed. Thereafter, the police party spotted the vehicle as disclosed and the same was stopped. The persons travelling in the same disclosed their names as Sarbjit Singh @ Sarba, Sandeep Singh @ Sonu and Balbir Singh @ Sonu. They were suspected to be carrying some contraband in the vehicle and search of the vehicle was conducted, wherein 01 quintal of poppy husk was recovered. They failed to produce any licence for the possession of the contraband and thus, the FIR was registered and on registration of FIR, investigation commenced. During investigation, on the disclosure of Sarbjit @ Sarba, his house was also raided from where 04 quintal of poppy husk was recovered i.e. 02 quintal from the 03 vehicles parked there and another 02 quintal from the basement of the house of Sarbjit @ Sarba. Thus, in total 05 quintal of contraband poppy husk was recovered. Samples taken were sent to the FSL. On receiving the FSL report, challan was presented and the learned trial Court on framing the charges proceeded with the trial. During investigation, the owner of the vehicle was found to be Amardeep Singh and thus, he was also arrayed as an accused for the offence under Section 25 of NDPS Act. Petitioner was arrested on 30.06.2024. He approached the Court of Ld. Judge, Special Court, Moga for grant of bail, however, after hearing both the sides and finding no merits, the same was declined by the trial Court vide order dated 30.10.2024. Aggrieved by the same, the petitioner is before this Court by way of filing the present petition.

3. Learned counsel for the petitioner, at the outset, prays for the grant of bail to the petitioner on the basis of parity with that of the co-accused, namely, Sandeep @ Sonu, Sarbjit Singh @ Sarba and Amardeep



Singh. He has drawn the attention of this Court to the order dated 22.01.2025 and 07.05.2025 passed in **CRM-M-56454-2024 and CRM-M-12150-2025**, whereby, co-accused, namely, Sandeep @ Sonu, Sarbjit Singh @ Sarba and Amardeep Singh, have been granted regular bail by this Court. He has submitted that the case of the petitioner is at par with the said co-accused. He submits that the petitioner is in custody since 30.06.2023. He submits that on the basis of the parity, the petitioner deserves to be granted bail as the case of the petitioner is similar to that of the said co-accused, who have already been granted bail.

4. Per contra, learned State counsel has opposed the submissions made by counsel for the petitioners. She submits that the recovery effected in the present case is on due compliance of Section 42 of the NDPS Act. She submits that total 500 Kgs of poppy husk was recovered and thus, provisions of Section 37 of NDPS Act are attracted in this case. She, on instructions, has submitted that out of total 22 prosecution witnesses, 07 witnesses have been examined, 07 witnesses given up and 08 witnesses are yet to be examined. It is submitted that challan stands presented and charges have been framed. She has produced the custody certificate of the petitioner. She has endorsed the factum of grant of bail to the co-accused of the petitioner as stated above and has not denied that the petitioner is at par with the co-accused, namely, Sandeep @ Sonu, Sarbjit Singh @ Sarba and Amardeep Singh.

5. On hearing counsel for the parties and perusing the record, it is deciphered that the FIR in the present case was registered on the basis of secret information. As submitted out of total 22 prosecution witnesses, 07 witnesses have been examined, 07 witnesses given up and 08 witnesses are yet to be examined. Custody certificate produced would show that the



petitioner has no criminal antecedents. Challan already stands presented and charges have been framed. Co-accused, namely, Sandeep @ Sonu, Sarbjit Singh @ Sarba and Amardeep Singh are on bail and the case of the petitioner as stated is at par with them.

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 succeed in making out a case for grant of regular bail. Accordingly, present petition is allowed. Petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the concerned Trial Court/Duty Magistrate. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

(**RAJESH BHARDWAJ**)
JUDGE

09.07.2025

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