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

CRM-M No.11254 of 2025

Varinderpal Singh @ Happy

..... Petitioner

Versus

State of Punjab

..... Respondent

CRM-M No.18863 of 2024

Dalbir Singh @ Sonu

..... Petitioner

versus

State of Punjab

..... Respondent

Date of Decision: 29.07.2025

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Hargun Singh Sandhu, Advocate
for the petitioner in CRM-M-11254-2025.

Mr. Kulbir Singh Sekhon, Advocate
for the petitioner in CRM-M-18863-2024.

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

RAJESH BHARDWAJ, J. (ORAL)

1. By this order, I dispose of the above mentioned two petitions arising out of the same FIR.

2. Present first & second petitions have been filed praying for the grant of regular bail to the petitioners in case bearing FIR No.100,



dated 12.12.2023, under Sections 22/29 of NDPS Act, 1985 (Section 27-A of NDPS added later on), registered at Police Station Sarai Amant Khan, District Tarn Taran.

3. Succinctly the facts of the case are that the police party while on patrolling on 12.12.2023, received a secret information to the effect that Dalbir Singh @ Sonu and Varinderpal Singh @ Happy were involved in smuggling of intoxicant tablets. It was informed that they would come in their car bearing registration No.PB46-AH-7640 along with the contraband and in case of barricading, they could be apprehended along with the contraband. On receiving the secret information reliable, the raiding party was constituted and barricading was laid at the place disclosed in the secret information. The car as disclosed was seen coming in which 02 persons were travelling. On asking, they disclosed their names as Varinderpal Singh @ Happy (petitioner in CRM-M-11254-2025) and Dalbir Singh @ Sonu (petitioner in CRM-M-18863-2024). They were suspected to be carrying some contraband. Thus the search of the car was conducted. On search, 5000 intoxicant tablets of Tramadol were recovered from Dalbir Singh @ Sonu and 4600 intoxicant tablets of Tramadol were recovered from Varinderpal Singh @ Happy and thus in total, 9600 intoxicant tablets of Tramadol were recovered. They failed to produce any licence regarding the conscious possession of the same and thus the FIR was registered and both were arrested on the spot. The samples taken were sent to the FSL. On completion of the investigation, the challan was presented and on framing of the charges, the trial commenced. The petitioners approached the Court of learned Additional Sessions Judge,



Tarn Taran praying for the grant of bail. However after hearing both the sides finding no merit in the same, the learned Additional Sessions Judge, Tarn Taran declined the bail petitions filed by both the petitioners vide orders dated 11.01.2024 and 07.02.2024, respectively. Petitioner, namely, Varinderpal Singh @ Happy had earlier approached this Court by way of filing CRM-M-6048-2024 praying for the grant of bail, however the same was allowed to be dismissed as withdrawn vide order dated 11.09.2024. Hence being aggrieved, the petitioners are before this Court by way of filing the present first & second petitions praying for the grant of regular bail.

4. Learned counsel for the petitioners have vehemently contended that the petitioners have been falsely implicated in this case. It has been submitted by learned counsel for the petitioners that the FIR in the present case has been registered on the basis of secret information, however there is a violation of mandatory provisions of Section 42 of NDPS Act. He has submitted that the recovery has also been effected from the personal search of the petitioners and thus there is a violation of provisions of Section 50 of NDPS Act as well. They have submitted that the petitioners are behind bars from last more than 1½ years, however there is no progress in the trial, however despite various dates before the learned trial Court, the prosecution witnesses are not appearing before the learned trial Court. They have submitted that the speedy trial is the fundamental right of every accused. Learned counsel for the petitioner in CRM-M-18863-2024 has submitted that the petitioner, namely, Dalbir Singh @ Sonu is involved in two more cases, however he is on bail in



both the cases. They have submitted that in the facts and circumstances, the petitioners deserve to be granted regular bail.

5. Short reply dated 28.07.2025 in CRM-M-18863-2024 by way of an affidavit of Riputapan Singh Sandhu, PPS, Superintendent of Police-SDPO (City), Tarn Taran on behalf of the respondent-State has been filed by learned State counsel today in the Court and the same is taken on record. Copy thereof has been supplied to learned counsel for the petitioners.

6. *Per contra*, learned counsel for the State has opposed the submissions made by counsels for the petitioners. She has submitted that the recovery has been effected on due compliance of provisions of NDPS Act. She has submitted that the recovery effected from the petitioners is commercial in nature and thus, the provisions of Section 37 of NDPS Act are attracted in the case. She has submitted that Dalbir Singh @ Sonu is a habitual offender as he is involved in 02 more cases. She has placed on record custody certificates of both the petitioners today in the Court and the same are taken on record. She, on instructions, has submitted that out of 14 prosecution witnesses, only one witness has been examined.

7. Heard.

8. After hearing learned counsel for the parties and perusing the record, it is deciphered that the FIR was registered on the basis of secret information. The petitioners are behind bars from last more than 1½ years. Custody certificates produced would show that the petitioners have completed incarceration of 01 year, 07 months and 13 days as on 28.07.2025. Dalbir Singh @ Sonu, is involved in 02 more cases, however



he is on bail in both the cases. Out of 11 prosecution witnesses, only one witness has been examined till date. Quantity recovered from the petitioners is commercial in nature. Needless to say that every accused has a fundamental right of speedy trial.

9. After perusal of the order passed by the Hon'ble Supreme Court in *Mohd Muslim @ Hussain vs. State (NCT of Delhi), 2023 Live Law (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.*

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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.*

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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.'

10. The Hon'ble Supreme Court in *Ashim @ Asim Kumar Haranath Bhattacharya @ Asim Harinath Bhattacharya @ Aseem Kumar Bhattacharya Vs. National Investigation Agency, 2022(1) SCC 695* has held as under:

“Deprivation of personal liberty without ensuring speedy trial is not consistent with Article 21 of the Constitution of India. While deprivation of personal liberty for some period may not be avoidable, period of deprivation pending trial/appeal cannot be unduly long. At the same time, timely delivery of justice is part of human rights and denial of speedy justice is a threat to public confidence in the administration of justice.”

11. 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.

12. This Court would refrain itself from commenting anything on the merits of the case. Keeping in view the arguments raised by both the sides and perusing the record, the Court is of the opinion that learned counsel for the petitioners succeed in making out a case for the grant of



bail. Accordingly, the present petitions are allowed and the petitioners, namely, Varinderpal Singh @ Happy and Dalbir Singh @ Sonu are ordered to be released on bail on their 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.

29.07.2025

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(RAJESH BHARDWAJ)
JUDGE

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