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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-36252-2025

Date of decision : 01.08.2025

Bhupinder Singh

.....Petitioner

versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Rishu Mahajan, Advocate
for the petitioner.

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

RAJESH BHARDWAJ, J. (Oral)

1. Present second petition has been filed for grant of regular bail in case FIR No.338 dated 01.11.2023 under Sections 21(c)/25/29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 registered at Police Station STF Wing, SAS Nagar, Mohali, District STF Wing.

2. Succinctly, facts of the case are that on 01.11.2023, the police received a secret information to the effect that Luvpreet Singh @ Love, Zabbar Singh and Hasratpal Singh @ Gopi are involved in smuggling of heroin. It was informed that they were travelling in their black colour Cruze car carrying huge quantity of heroin and were waiting near S.K. Dhaba for their customer and if a raid is conducted, they can be apprehended with a huge quantity of heroin. On finding the secret information reliable, a raiding party was constituted and they reached at the place disclosed. As informed, a car was found parked, in which two



persons were sitting and the third was standing outside the car. They were apprehended by the police party. On asking, they disclosed their names as Luvpreet Singh @ Love, Zabar Singh and Hasratpal Singh @ Gopi. They were suspected to be carrying some contraband and thus, search of the car was conducted. On conducting the search of the car, two bags, containing 800 grams and 500 grams of heroin were recovered and thus, a total heroin weighing 1 Kg. 300 grams was recovered from the said car. They failed to produce any licence regarding conscious possession of the same. Hence, they were arrested on the spot and on registration of the FIR, the investigation commenced. During investigation, they made disclosure statement, wherein complicity of Bhupinder Singh (petitioner) was found and thus, the petitioner was also arrayed as an accused and arrested on 03.11.2023. Further, on the disclosure statement of the petitioner, 350 grams was recovered. Thus, in all 2 kg. 150 grams of heroin was recovered. The petitioner approached the Court of learned Additional Sessions Judge, Amritsar praying for grant of regular bail. However, after hearing both the sides, the learned Court finding no merit in the same, dismissed the bail application filed by the petitioner vide order dated 24.04.2024. The petitioner earlier approached this Court by way of filing of CRM-M-23833-2024, which was dismissed as withdrawn by this Court vide order dated 05.05.2025. Hence, the petitioner has approached this Court praying for grant of bail by way of filing the present second petition.

3. Learned counsel for the petitioner, at the outset, prays for the grant of bail on the basis of parity with that of the co-accused. He has drawn the attention of this Court to the order passed by this Court in



CRM-M-39571-2025 dated 30.07.2025 whereby co-accused of the petitioner, namely, Ajay Singh, has been granted the concession of bail. He has submitted that case of the petitioner is at par with the co-accused, who has been granted bail by this Court. He submits that on the basis of the parity, petitioner deserves to be granted bail as case of the petitioner is similar to that of the co-accused, who has already been granted bail.

4. Per contra, learned State counsel has opposed the submissions made by counsel for the petitioner. She has submitted that total recovery of 2 Kg. and 150 grams of heroin was effected in the present case, which falls under the commercial quantity and hence, provisions of Section 37 of the NDPS Act are attracted. She further submits that out of total 23 prosecution witnesses, 13 witnesses have been examined. She endorsed the fact that the case of petitioner is at par with co-accused, namely, Ajay Singh, who has already been granted bail by this Court.

5. After hearing counsel for the parties and perusing the record, it is deciphered that the present FIR has been lodged on the basis of the disclosure statement of co-accused. Out of total 23 prosecution witnesses, 13 witnesses have been examined. Admittedly, co-accused of the petitioner, namely, Ajay Singh, has already been granted bail by the Court vide order dated 30.07.2025 passed in CRM-M-39571-2025.

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.

8. 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 petitioner succeed in making out a case for the grant of bail to the petitioner on the basis of parity with the co-accused as stated above. Accordingly, present petition is allowed and 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.

01.08.2025
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(RAJESH BHARDWAJ)
JUDGE

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