



231

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

CRM-M No.50377 of 2025

Date of Decision: 12.09.2025

Harjinder Singh

..... Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Keshav Chadha, Advocate
for the petitioner.

Mr.Raj Karan Singh, AAG, Punjab.

Rajesh Bhardwaj, J. (ORAL)

1. Present third petition has been filed praying for the grant of regular bail to the petitioner in case bearing FIR No.118, dated 21.07.2023, under Sections 21, 25 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (offence under Section 411 IPC added lateron), registered at Police Station Kamboj, District Amritsar Rural.

2. Succinctly, the facts of the case are that the police party while on patrolling on 21.07.2023, received a secret information to the effect that Harjinder Singh (petitioner), Mewa Singh, Heera Singh and Ramandeep Singh are indulged in purchasing heroin from Pakistan and are selling the same in different cities of Punjab. It was informed that they had brought a huge quantity of heroin from Pakistan side for selling the same in Punjab and in case of raid, they could be apprehended alongwith the huge quantity of heroin. On receiving the secret information, barricading was laid and four



persons, as disclosed in the secret information, were seen coming on motorcycle. However, they were stopped and on asking, they disclosed their names as Harjinder Singh, Heera Singh, Mewa Singh and Ramandeep Singh. They were suspected to be carrying some contraband and thus, their search was conducted. On conducting the search of motorcycle, 975 grams of heroin was recovered and 290 grams of heroin was recovered from the search of Harjinder Singh. They failed to produce any licence regarding the conscious possession of the same and thus, the FIR was registered and all were arrested on the spot. On registration of the FIR, the investigation commenced. On completion of the investigation, the Investigation Agency filed the challan and on framing of charges, the trial commenced. The petitioner approached the Court of learned Judge Special Court, Amritsar praying for grant of regular bail. However, after hearing both the sides and finding no merit in the same, the learned Judge, Special Court, Amritsar, dismissed the bail application filed by the petitioner vide order dated 20.09.2023. Being aggrieved, the petitioner earlier approached this Court twice praying for the grant of bail by way of filing CRM-M-6164-2024 and CRM-M-12235-2025, however, the same were dismissed as withdrawn vide orders dated 15.05.2024 and 21.07.2025, respectively. Hence being aggrieved, the petitioner has again approached this Court praying for the grant of regular bail by way of filing the present third petition.

3. It has been vehemently contended by learned counsel for the petitioner that the petitioner has been falsely implicated in the present case. It is submitted that the FIR in the present case was registered on the basis of secret information, however, there is violation of provisions of Section 42 of



the NDPS Act. He submits that while effecting recovery, there is a violation of mandatory provisions of Section 50 of NDPS Act as well. He has submitted that the petitioner is behind bars since the date of his arrest i.e. 21.07.2023, however, there is no material progress in the trial. He submits that co-accused of the petitioner, namely, Ramandeep Singh @ Raman and Mewa Singh have already been granted regular bail by this Court vide orders dated 05.08.2025 and 26.08.2025 passed in CRM-M-21525-2025 and CRM-M-45496-2025 and thus, case of the petitioner is at par with that of the co-accused. He has thus submitted that in the facts and circumstances when the co-accused have already been granted bail, the petitioner deserves the concession of regular bail.

4. *Per contra*, learned State counsel has vehemently opposed the submissions made by counsel for the petitioner. He has submitted that recovery in the present case has been effected on due compliance of the NDPS Act. He has submitted that the recovery effected in the present case is under the commercial quantity and thus, provisions of Section 37 of the NDPS Act are attracted. He has endorsed the fact that co-accused of the petitioner have already been granted bail by this Court vide orders dated 05.08.2025 and 26.08.2025.

5. After hearing counsel for the parties and perusing the record, it is inferred that the petitioner was arrested on the spot 21.07.2023 and since then, he is behind bars. The recovery effected in the present case falls under the category of commercial quantity. Co-accused of the petitioner have been granted bail by this Court.

6. 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.

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21it 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.'

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. This Court would refrain itself from commenting anything on the merits of the case. The trial of the case will take sufficient long time. Keeping in view the arguments raised by both the sides and perusing the record, this Court is of the opinion that learned counsel for the petitioner succeeds in making out a case for grant of regular bail to the petitioner on parity.

8. 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 trial Court/Duty Magistrate.

9. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

12.09.2025

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(RAJESH BHARDWAJ)
JUDGE

Whether Speaking/Reasoned : Yes/No
Whether Reportable : Yes/No