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

**CRM-M-5194-2025 (O&M)
Date of decision : 18.08.2025**

Bhupinder Singh

.....Petitioner

versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Naresh Kumar Jandoli, Advocate
for the petitioner.

Ms. Simran Gorla, 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.288 dated 21.09.2024 under Section 22 of NDPS, 1985, registered at Police Station City Hoshiarpur, District Hoshiarpur.

2. Succinctly, facts of the case are that on 21.09.2024, the police party received a secret information to the effect that Ajay Walia son of Varinder Walia is involved in selling intoxicating tablets. It was informed that in case of raid, he could be arrested alongwith the contrabands. On receiving the secret information, a raiding team was constituted and raid was conducted at the shop of Ajay Walia. On conducting the search, the police recovered 2400 capsules of Proxyco-Spas, 5000 tablets of Tramadol, 12000 tablets of Alprazolam alongwith Rs.5 lacs as drug money. He failed to produce the licence regarding the possession of the same and thus, he was arrested on the spot. On the registration of the FIR, the investigation commenced. During the investigation, he made a



disclosure statement on 23.09.2024 about the involvement of Bhupinder Singh (petitioner) that he used to purchase the intoxicating tablets from the petitioner. Thus, the petitioner was arrayed as an accused and resultantly, he was arrested on 26.11.2024. On the completion of the investigation, the Investigation Agency filed the challan and on framing of the charges, the trial commenced. The petitioner approached the Court of learned Judge Special Court, Hoshiarpur 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 14.01.2025. Hence, the petitioner is before this Court praying for grant of regular bail by way of filing the present 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-36707-2024** dated 11.08.2025 whereby co-accused of the petitioner, namely, Chaindeep 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 the petitioner never misused the concession of interim bail granted to him by this Court vide order dated 02.07.2025. 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. Status report by way of affidavit of Mr. Dev Dutt Sharma, PPS, Deputy Superintendent of Police, Sub Division City, District Hoshiarpur has been filed on behalf of respondent-State, in the Court today, same is taken on record.



5. Learned counsel for the State has opposed the submissions made by counsel for the petitioner and submits that from the co-accused a heavy commercial quantity of Tramadol was effected and thus, provisions of Section 37 of the NDPS Act are attracted. She has submitted that complicity of the petitioner was surfaced during the investigation, wherein, he was found to be the supplier. She has placed on record the custody certificate of the petitioner and submits that the petitioner is involved in one more case. She endorsed the fact that the case of petitioner is at par with co-accused, namely, Chaindeep Singh, who has already been granted bail by this Court.

6. After hearing counsel for the parties and perusing the record, it is inferred that name of the petitioner surfaced in the present case on the basis of disclosure statement of the co-accused. Admittedly, co-accused of the petitioner, namely, Chaindeep Singh, has already been granted bail by the Court vide order dated 11.08.2025 passed in **CRM-M-36707-2024**. As per the custody certificate, the petitioner has completed the incarceration of 07 months and 25 days as on 16.08 2025.

7. 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.*

8. 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.



9. Petitioner was released on interim bail on 02.07.2025 on medical ground and there is nothing on record to suggest that he has ever misused the concession of interim bail granted to him by this Court. This Court would refrain itself from commenting anything on the merits of the case. 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, interim bail granted to the petitioner vide order dated 02.07.2025 is made absolute 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.

10. The present petition stands allowed. In case the bail bonds are not furnished by the petitioner during the period of 07 days from today, then his further custody period after one week will not be counted in the present case.

18.08.2025

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(**RAJESH BHARDWAJ**)
JUDGE

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