



243

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

**CRM-M No.43214 of 2025
Date of Decision: 14.10.2025**

Gurpreet 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, Asstt. A.G., Punjab.

RAJESH BHARDWAJ, J. (Oral)

1. Present petition has been filed praying for the grant of regular bail to the petitioner in case bearing FIR No.39, dated 16.03.2024, under Sections 21(C), 25, 29 of NDPS Act, 1985, registered at Police Station Lopoke, District Amritsar.

2. Succinctly the facts of the case are that the police party, while on patrolling on 16.03.2024, received a secret information to the effect that Gurpreet Singh (petitioner) and Satnam Singh were involved in the drug trafficking. It was informed that both of them would come on their motorcycle and carrying a consignment of heroin for supplying to their customers and in case of barricading near the bridge at pond on the way to village Chhidan, they could be apprehended along with the contraband. On receiving the secret information, the raiding party was constituted and the barricading was laid at the place as disclosed in the secret information.



02 persons were seen coming on the motorcycle and thus, both were apprehended. On asking, driver of the motorcycle disclosed his name to be Satnam Singh, whereas the person sitting pillion disclosed his name to be Gurpreet Singh, i.e. the petitioner. They were suspected to be carrying some contraband and thus on giving the offer, their search was conducted. On conducting the search of Gurpreet Singh (petitioner), 600 grams of heroin was recovered from the polythene bag kept in the front pocket of the black hoodie worn by him whereas from the search of Satnam Singh, 800 grams of heroin was recovered from the polythene bag kept in the front pocket of the hoodie worn by him. 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 receipt of the FSL, the challan was presented and on framing of charges, the trial commenced. The petitioner approached the Court of learned Judge, Special Court, Amritsar praying for the grant of bail, however, after hearing both the sides and finding no merit in the same, the learned Judge, Special Court, Amritsar declined the bail application filed by the petitioner vide order dated 11.11.2024. Hence being aggrieved, the petitioner is before this Court by way of filing the present petition praying for the grant of bail.

3. Learned counsel for the petitioner has vehemently contended that the petitioner has been falsely and frivolously implicated in the present case. He has submitted that FIR has been registered on the basis of secret information but there is a violation of mandatory provisions of Section 42 of NDPS Act. He has submitted that the alleged recovery is also effected from the personal search of the petitioner, however there is a



violation of mandatory provisions of Section 50 of NDPS Act as well. He has submitted that the alleged recovery has been effected from the public place, however no independent witness has been joined. To buttress his arguments, learned counsel for the petitioner has submitted that the petitioner has no criminal antecedents as he has never been involved in any other case. He has submitted that the petitioner is behind bars for last more than 1½ years, however there is no progress in the trial till date and thus, the right of speedy trial of the petitioner has been miserably defeated. He has submitted that in the facts and circumstances, the petitioner deserves to be granted regular bail.

4. *Per contra*, learned State counsel has opposed the submissions made by counsel for the petitioner. She has submitted that both the accused were specifically named in the secret information. She has submitted that the recovery effected from both the accused is 600 grams of heroin and 800 grams of heroin, respectively, and the same are commercial in nature, and thus, the provisions of Section 37 of NDPS Act are attracted. She, on instructions, has submitted that out of total 15 prosecution witnesses, no witness has been examined till date. She has produced custody certificate of the petitioner today in the Court and the same is taken on record.

5. Heard.

6. On hearing learned counsel for the parties and perusing the record, it is deciphered that the FIR has been registered on the basis of secret information. The recovery has been effected in the present case from the public place. As submitted before this Court, no independent witness has been joined. Custody certificate produced would show that the



petitioner has completed incarceration of 01 year, 06 months and 24 days as on 13.10.2025. It further reflects that the petitioner is not involved in any other case. Out of total 15 prosecution witnesses, no witness has been examined so far. Needless to say that every accused has the fundamental right of speedy trial.

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. The trial of the case will take sufficiently long time.

9. Thus, keeping in view the overall facts and circumstances of the case, this Court is of the opinion that learned counsel for the petitioner succeeds in making out a case for grant of regular bail. Accordingly, the 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

14.10.2025

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