



206 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-30299-2025

Date of decision : 06.06.2025

Major Singh

....Petitioner

versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Vipul Jindal, Advocate for the petitioner.

Mr. Karunesh Kaushal, A.A.G., Punjab.

RAJESH BHARDWAJ, J. (Oral)

1. Present second petition has been filed for grant of regular bail to the petitioner in case FIR No.314 dated 12.10.2023, under Sections 21(c)/25/29 of NDPS Act and Sections 307 & 427 of the Indian Penal Code, 1860, registered at Police Station STF, Phase-IV, SAS Nagar, District Mohali, Punjab.

2. Succinctly the facts of the case are that on 12.10.2023, police received a secret information to the effect that Jagroop Singh @ Jagga and his relative Major Singh (petitioner) are involved in the business of heroin on a large scale since long. It is informed that they would come in their Bolero Car bearing No.PB-06R-0085 from their village via Attari with the huge consignment and if nakabandi is laid, they could be arrested along with contraband. On receiving secret information, DSP Vavinder Kumar was informed and a raiding party was constituted headed by SI Hakim Singh. The raiding team reached at the place disclosed and barricading was laid. Thereafter, a Bolero car, as disclosed, was seen coming. It was signaled to be stopped but the driver of the Bolero Car with intention to kill, hit his Bolero Car in the car of the police, which was damaged. The police party, however, encircled the Bolero Car and nabbed the same. The driver, on asking



disclosed his name as Jagroop Singh @ Jagga, whereas the person sitting on the front seat adjacent to the driver, disclosed his name as Major Singh-petitioner. They were suspected to be carrying some contraband and thus, offer was given to be searched. DSP Vavinder Kumar was informed and the search was conducted in his presence. On conducting the search of the car, a bag was found lying on the rear seat of the car and from the search of the same, 4 kgs heroin was recovered. Both the inmates of the car, namely, Jagroop Singh and Major Singh, failed to produce any licence for possession of the same and thus, they were arrested on the spot. On registration of the FIR, investigation was commenced. The samples taken were sent to the FSL. The petitioner approached the Court of learned Judge, Special Court, Amritsar praying for the grant of bail. However, after hearing both the sides finding no merit in the same, the learned Judge, Special Court, Amritsar declined the petition filed by the petitioner vide order dated 08.05.2024. Aggrieved by the same, the petitioner earlier approached this Court by way of filing of CRM-M-32677-2024, which was dismissed as withdrawn vide order dated 27.08.2024. Hence, the petitioner is before this Court by way of filing the present second petition praying for the grant of regular bail.

3. Learned counsel for the petitioner, at the outset, prays for the grant of bail to the petitioner on the basis of parity with that of the co-accused, namely, Jagroop Singh. He has drawn the attention of this Court to the order dated 19.05.2025 passed in **CRM-M-54969-2024**, whereby, co-accused, namely, Jagroop Singh, has been granted regular bail by this Court. He has submitted that the case of the petitioner is at par with the said co-accused. He submits that the petitioner is in custody since 12.10.2023. He submits that on the basis of the parity, the petitioner deserves to be granted bail as the case of the petitioner is similar to that of the said co-accused, who has already been granted bail.



4. Learned counsel for the State has endorsed the factum of grant of bail to the co-accused of the petitioner as stated above and has not denied that the petitioner is at par with the co-accused, namely, Jagroop Singh. He submits that the recovery effected is of 4 kgs of heroin, which falls under the category of commercial quantity and thus, provisions of Section 37 of NDPS Act, are attracted in the present case. He has produced the custody certificate of the petitioner on record.

5. 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 and the petitioner is behind bars since 12.10.2023. The custody certificate produced would show that the petitioner has suffered an incarceration of 01 year, 07 months and 18 days as on 06.06.2025. As submitted, Co-accused, namely, Jagroop Singh, is on bail and the case of the petitioner as stated is at par with him.

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 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. Thus, keeping in view the overall facts and circumstances of the case and that the case of the petitioner is at par with that of co-accused, 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 the basis of parity. 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. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

06.06.2025

ps-I

**(RAJESH BHARDWAJ)
JUDGE**

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