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

**CRM-M No.49589 of 2025
Date of Decision: 16.09.2025**

Harpreet Singh @ Harsh

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

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

Ms. Simran Gorla, AAG, 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.275, dated 24.12.2023, under Sections 21/21-C/29 of NDPS Act, 1985, registered at Police Station Maqboolpura, District Amritsar.

2. Succinctly the facts of the case are that on 24.12.2023, the police party while on patrolling, received a secret information to the effect that Jagroop Singh, Harpreet Singh alias Harsh (petitioner) and Sanamdeep Singh are involved in smuggling of heroin. It was informed that they would be waiting for someone to supply the consignment of heroin on an Aactiva bearing registration number PB-02-DW-8197 on the road going towards Shri Chand Gurudwara Sahib and in case of raid,



they could be apprehended along with the contraband. On receiving the secret information, a raiding party was constituted and reached at the place disclosed, where the persons as disclosed were found waiting and they were apprehended. On asking, they disclosed their names to be Jagroop Singh, Harpreet Singh alias Harsh (petitioner) and Sanamdeep Singh. They were suspected to be carrying some contraband and thus, their search was conducted. On conducting the search of Jagroop Singh 260 grams of heroin was recovered whereas from Harpreet Singh alias Harsh (petitioner), 290 grams of heroin was recovered. They failed to produce any licence regarding the conscious possession of the same. Thus, the FIR was registered and all were arrested on the spot. On registration of the FIR, the investigation commenced. The samples taken were sent to the FSL. On receiving the FSL report, 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 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 21.08.2025. Hence being aggrieved, the petitioner has approached this Court praying for grant of bail by way of filing the present petition.

3. It has been contended by learned counsel for the petitioner that the petitioner has been roped in the present case on the basis of the secret information, however, there is violation of Section 42 of the NDPS Act. He submits that there is violation of Section 50 of the NDPS Act as well in carrying out the search. He has submitted that the alleged



recovery effected from the petitioner, who was riding pillion, is of 290 grams of heroin. He has submitted that the petitioner is not involved in any other case of the similar nature. He has submitted that the petitioner is behind bars since 24.12.2023 and has completed incarceration of more than 1½ year, however there is no progress in the trial. He submits that even otherwise as per case of the prosecution, there are three accused in this case and the co-accused, namely, Sanamdeep Singh, who was allegedly driving the motorcycle, has already been granted bail by this Court vide order dated 28.07.2025 passed in CRM-M-31424-2025 and thus, case of the petitioner is at par with that of the co-accused. He, thus, submits that in view of the facts and circumstances, when the co-accused has already been granted bail, the petitioner deserves to be granted bail on parity.

4. *Per contra*, learned State counsel has opposed the submissions made by counsel for the petitioner. She submits that there is specific information about the petitioner along with two co-accused and they were arrested on the spot. She has submitted that the alleged recovery of 290 grams of heroin was effected from the petitioner. She submits that total recovery effected is of 550 grams, which falls under the commercial quantity and hence, the provisions of Section 37 of the NDPS Act are attracted. She has produced custody certificate of the petitioner today in the Court, which is taken on record. She has endorsed the fact that the co-accused of the petitioner has already been granted bail by this Court vide order dated 28.07.2025.

5. Heard.



6. 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 secret information. The contraband recovered from the petitioner is 290 grams of heroin, however, the recovery effected in the present case is 550 grams of heroin, which falls under the category of commercial quantity. Custody certificate produced would show that the petitioner has suffered incarceration of 01 year, 08 months & 17 days as on 15.09.2025. It further reflects that the petitioner is involved in one more case under Section 307/34 IPC, however he has been acquitted in that case. Co-accused of the petitioner has already been granted bail by this Court vide order dated 28.07.2025.

7. 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.'

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. This Court would refrain itself from commenting anything on the merits of the case. The trial of the case will take sufficient long time. Thus, keeping in view the arguments raised by both the sides, 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.



9. 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.

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

16.09.2025

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(RAJESH BHARDWAJ)
JUDGE

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