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

CRM-M No.19841 of 2025

Sukhwinder Singh @ Pinka

..... Petitioner

Versus

State of Haryana

..... Respondent

CRM-M No.24995 of 2025

Amit Kumar @ Sonu @ Katti

..... Petitioner

versus

State of Haryana

..... Respondent

Date of Decision: 04.09.2025

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Abhilaksh Grover, Advocate and
Ms. Sarita, Advocate
for the petitioner in CRM-M-19841-2025.

Mr. Samar Pratap Singh Ahluwalia, Advocate
for the petitioner in CRM-M-24995-2025.

Ms. Diya Sodhi, Sr. DAG, Haryana.

RAJESH BHARDWAJ, J. (Oral)

1. By this order, I dispose of the above mentioned two petitions arising out of the same FIR.

2. Both the petitions have been filed praying for the grant of regular bail to the petitioner in case bearing FIR No.261, dated 12.06.2024, under



Sections 29 & 22(c) of NDPS Act, registered at Police Station Sadar Yamuna Nagar, Haryana.

3. Succinctly the facts of the case are that the police party while on patrolling on 12.06.2024, received a secret information to the effect that Nanak Singh was involved in selling the intoxicant capsules and would be carrying to sell the same to the labourers in his Auto Rikshaw. It was informed that if the barricading is laid opposite to the cremation ground, then he could be apprehended along with the intoxicant capsules in his Auto rikshaw. On receiving the secret information reliable, the raiding party was constituted and the barricading was laid at the place disclosed. The Auto Rikshaw as per the information, was seen coming and the same was stopped. The driver of rikshaw, on asking, disclosed his name to be Nanak Singh. He was suspected to be carrying some contraband in the auto rikshaw and thus search of the same was conducted. On conducting the search, 15x345x8360 capsules of Paracetamol Dicyclomise Hydrochloride Tramadol Hydrochloride capsules (Spaso NOF-NF) and 30x8240 capsules of Acetaminphen Tramadol HCL Dicyclomine HCl capusles (Spasmed) were recovered. He failed to produce any licence regarding the conscious possession of the same. Thus the FIR was registered and he was arrested on the spot. On registration of the FIR, the investigation commenced. The samples taken were sent to the FSL. During the investigation, Nanak Singh made a disclosure about the complicity of Sukhwinder Singh @ Pinka (petitioner in CRM-M-19841-2025) and on the disclosure of Sukhwinder Singh @ Pinka, complicity of Amit Kumar @ Sonu @ Katti (petitioner in CRM-M-24995-2025) surfaced. Thus both of them were arrayed as an accused in the present case and were arrested on



12.06.2024 and 11.10.2024. The petitioners approached the Court of learned Additional Sessions Judge, Yamuna Nagar at Jagadhri praying for grant of regular bail. However, after hearing both the sides, the learned Court finding no merit in the same, dismissed both the bail applications filed by the petitioners vide orders dated 12.08.2024 and 06.02.2025, respectively. Being aggrieved, the petitioner, namely, Sukhwinder Singh @ Pinka, earlier approached this Court twice by way of filing CRM-M-46016-2024 and CRM-M-61756-2024 praying for grant of bail, however, the same were dismissed vide orders dated 19.09.2024 and 13.12.2024. Hence being aggrieved, the petitioners are before this Court praying for grant of bail by way of filing the present petitions.

4. Learned counsel for the petitioners have vehemently contended that the petitioners have been falsely and frivolously implicated in the present case. They have submitted that case of the prosecution is based on the secret information, however there is a violation of mandatory provisions of section 42 of NDPS Act. They have submitted that the petitioners were neither named in the FIR, nor any recovery has been effected from them. They have submitted that however it is on the disclosure of the co-accused, both the petitioners have been arrayed as an accused in the present case. They have submitted that the disclosure statement in itself is not even an admissible evidence. They have further submitted that there is a violation of mandatory provisions of Section 50 of NDPS Act as well in conducting the search, however, no independent witness was joined. They have thus submitted that false implication of the petitioners is writ large. They have submitted that the alleged recovery effected from the co-accused, Nanak Singh weighs 322.8



grams of Tramadol whereas the commercial quantity is about 250 grams. Learned counsel for the petitioner, namely, Sukhwinder Singh @ Pinka (in CRM-M-19841-2025) has submitted that the petitioner has never been involved in any other case of the similar nature whereas learned counsel for the petitioner, namely, Amit Kumar @ Sonu (in CRM-M-24995-2025) has submitted that though the petitioner is involved in other cases, however in some of the case, he has been acquitted and rest of the cases, he is on bail. They have submitted that the petitioners are behind bars since the date of their arrest, however there is no progress in the trial. They have thus submitted that in the facts and circumstances, the petitioners deserve to be granted bail.

5. Reply dated 03.09.2025 in CRM-M-24995-2025 by way of an affidavit of Kanwaljeet Singh, HPS, Deputy Superintendent of Police, Head Quarter, Yamuna Nagar on behalf of the respondent-State has been filed by learned State counsel today in the Court and the same is taken on record. Copy thereof has been supplied to learned counsel for the petitioner.

6. *Per contra*, learned counsel for the State has also vehemently opposed the submissions made by learned counsel for the petitioners. She has submitted that the recovery effected in the present case from the co-accused, Nanak Singh is 322.8 grams of Tramadol, which is a commercial quantity and thus, the provisions of Section 37 of NDPS Act are attracted. She has submitted that complicity of the petitioners surfaced during the investigation and their complicity has been duly established. She has submitted that the petitioner, namely, Amit Kumar @ Sonu @ Katti (in CRM-M-24995-2025) is a habitual offender as the details of the cases are given in the status report and he is facing prosecution in 08 other cases as well whereas the petitioner,



namely, Sukhwinder Singh @ Pinka (in CRM-M-19841-2025) is involved in one more case, however he has been acquitted in that case. She, on instructions, has submitted that out of total 22 prosecution witnesses, no witness has been examined. She has produced custody certificate of both the petitioners today in the Court and the same are taken on record.

7. Heard.

8. On hearing learned counsel for the parties and perusing the record, it is deciphered that both the petitioners have been arrayed as an accused in the present case on the basis of disclosure statement. The recovery of 600 capsules has been effected from the co-accused. One of the contraband, Tramadol, was found to be 322.8 grams as per the FSL report, which is a commercial quantity. The petitioners are behind bars since the date of their arrest, i.e. 12.06.2024 & 11.10.2024. Out of total 22 prosecution witnesses, no witness has been examined. Custody certificate produced would show that the petitioner, namely, Sukhwinder Singh @ Pinka has completed incarceration of 01 years, 02 months and 21 days as on 03.09.2025 whereas the petitioner, namely, Amit Kumar @ Sonu has completed incarceration of 10 months and 22 days as on 03.09.2025. It further reflects that the petitioners are involved in one more case, however the petitioner, namely, Sukhwinder Singh @ Pinka has been acquitted whereas the petitioner, namely, Amit Kumar @ Sonu is on bail.

9. 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.”

10. 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.

11. Keeping in view the arguments raised by both the sides and perusing the record, the Court is of the opinion that learned counsel for the petitioners succeed in making out a case for the grant of bail. Accordingly, both the petitions are allowed and the petitioners are ordered to be released on bail on their 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.

04.09.2025

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Whether speaking/reasoned
Whether reportable

(RAJESH BHARDWAJ)
JUDGE

: Yes/No

: Yes/No