



217

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

**CRM-M No.19607 of 2025
Date of Decision: 16.10.2025**

Pardeep Singh @ Nuri**.....Petitioner**

versus

State of Punjab**..... Respondent****CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ**

Present :- Mr. Sandeep Kumar Bokolia, 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.27, dated 30.04.2024, under Section 21(c) of NDPS Act (Section 29 of NDPS Act added later on), registered at Police Station Talwandi Bhai, District Ferozepur.

2. Succinctly the facts of the case are that the police party, while on patrolling on 30.04.2024, saw a car coming from village Haraj side, which was signalled to stop. However, the driver instead of stopping the car, tried to speed away the same, but, the police succeeded in stopping the car. 03 persons travelling in the car were apprehended and the driver of the car, on asking, disclosed his name to be Nachattar Singh @ Satti. The person sitting on the adjoining seat, disclosed his name to be Pardeep Singh @ Noori (petitioner) and the third person sitting on the rear seat, disclosed his name to be Gurmeet Singh @ Golu. They were suspected to be carrying some contraband and thus, they were given the offer for the



search. The search was conducted and on conducting the search of Pardeep Singh @ Nuri (petitioner), a *parna* was found tied along with his waist and on conducting the search of the same, a transparent polythene bag was recovered from which recovery of 400 grams of heroin was effected. From the search of 02 of the remaining accused, 400 grams and 200 grams of heroin, respectively were recovered. Thus, from all the three accused, recovery of 1 Kg of heroin was effected. 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. The samples taken were sent to the FSL. On receipt of 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, Ferozpur praying for the grant of bail, however, after hearing both the sides and finding no merit in the same, the learned Judge, Special Court, Ferozpur declined the bail application filed by the petitioner vide order dated 06.11.2024. Hence being aggrieved, the petitioner is before this Court by way of filing the present petition praying for the grant of regular bail.

3. Learned counsel for the petitioner has vehemently contended that the petitioner has been falsely implicated in the present case. He has submitted that the alleged recovery has been effected from the public place, however no independent witness has been joined. He has submitted that the recovery, as per the case of the prosecution, has been recovered from the search of the person of the petitioner and thus, the provisions of Section 50 of NDPS Act has taken place, however, there is a violation of the same. He has submitted that the petitioner has no criminal antecedents and thus, his false implication is writ large. He has submitted that the



petitioner is behind bars since the date of his arrest, i.e. 30.04.2024, however there is no material progress in the trial and thus, the right of speedy trial of the petitioner is 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 the petitioner along with 02 of the co-accused were found travelling in the car. She has submitted that on conducting the search of the car, 1 Kg of heroin was recovered whereas from the petitioner, 400 grams of heroin was recovered. She has submitted that the recovered contraband is commercial in nature and thus, the provisions of Section 37 of NDPS Act are attracted. She, on instructions, has submitted that out of 15 prosecution witnesses, 07 witnesses still remains to be examined. 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 recovery in the present case has been effected from the public place. The petitioner is behind bars since 30.04.2024. The total recovery in the present case though is 1 Kg of heroin, however from the search of the petitioner, 400 grams of heroin was recovered from the *parna* tied along with his waist. As submitted before this Court that there is a violation of provisions of Section 50 of NDPS Act. Out of total 15 prosecution witnesses, 07 witnesses still remains to be examined. Custody certificate produced would show that



the petitioner has completed incarceration of 01 year, 05 months and 15 days as on 15.10.2025. It further reflects that the petitioner is not involved in any other case. 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

16.10.2025

| | | | |
|--------------|---------------------------|---|--------|
| <i>rittu</i> | Whether speaking/reasoned | : | Yes/No |
| | Whether reportable | : | Yes/No |