



CRM-M-28162-2025

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**109+242 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-28162-2025 (O&M)

Date of Decision: 27.08.2025

Gurjeet Singh @ Bhambiri
Versus

..... Petitioner

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Abdul Aziz, Advocate, for the petitioner.

Ms. Simran Gorla, AAG, Punjab.

Rajesh Bhardwaj, J. (ORAL)CRM-21448-2025

Allowed as prayed for.

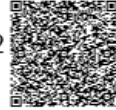
CRM-25487-2025

Allowed as prayed for. Annexure P-4 is taken on record

Main case

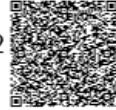
1. Petitioner has approached by way of filing the present petition praying for grant of regular bail in case FIR No.87 dated 05.07.2022 under Sections 22 & 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Ahmedgarh, District Malerkotla.

2. Succinctly, facts of the case are that on 05.07.2022, the police party while on patrolling received a secret information to the effect that Gurjeet Singh @ Bhamiri (petitioner) is involved in selling intoxicant tablets. It was informed that in case of raid, he could be arrested alongwith the contraband. On receiving the information, a raiding team was constituted and the same reached the place as disclosed, where a person carrying a plastic bag was seen coming. On seeing the police, he got perplexed and tried to turn back, however, he was apprehended. On asking, he disclosed his name as Gurjeet Singh @ Bhamiri. He was suspected to be carrying some



contraband in the plastic bag being carried by him. On conducting search, 1020 tablets of Buprenorphine were recovered from the bag. He failed to produce any licence to possess the same. Thus, on the registration of the FIR, he was arrested on the spot. Samples taken were sent to the FSL. On receipt of the FSL report, challan was presented and on framing of charges, trial commenced. The petitioner approached the Court of learned Judge, Special Court, Sangrur praying for grant of regular bail. However, after hearing both the sides, the learned Court finding no merit in the same, dismissed the bail application filed by the petitioner vide order dated 25.04.2023. Hence, the petitioner has approached this Court praying for grant of regular bail by way of filing the present petition.

3. It has been vehemently contended by learned counsel for the petitioner that the petitioner has been falsely implicated in the present case. He submits that as per the case of the prosecution, the FIR was registered on the basis of the secret information, however, there is a violation of Section 42 of the NDPS Act. He further submits that there is a violation of Section 50 of the NDPS Act as well as the search has been carried out in violation of the same. It is submitted that the alleged recovery has been effected from a public place, however, no independent witness has been joined. He submits that wife of the petitioner had also been falsely implicated, however, she had already been granted bail by this Court vide order dated 09.03.2023. He submits that the petitioner is behind bars from the last more than three years, however, there is no material progress in the trial and thus, his fundamental right of speedy trial has been miserably defeated. He submits that the petitioner has been falsely implicated in two other cases, however, he is on

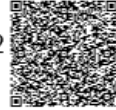


bail in those cases. He, thus, submits that in the facts and circumstances of the present case, the petitioner deserves to be granted regular bail.

4. *Per contra*, learned State counsel has vehemently opposed the submissions made by counsel for the petitioner. She has submitted that the petitioner was specifically named in the secret information and recovery of contraband was effected from him. She submits that recovery effected in the present case is 116.3 grams of Buprenorphine, which is commercial quantity and thus, provisions of Section 37 of the NDPS Act are attracted. On instructions, she has submitted that out of 15 prosecution witnesses, no witness has been examined so far. She has placed on record the custody certificate of the petitioner.

5. After hearing counsel for the parties and perusing the record, it is deciphered that the petitioner is behind bars in this case since 05.07.2022. The FIR admittedly was registered on the basis of secret information. As submitted before this Court, no witness has been examined out of 15 prosecution witnesses. The custody certificate would show that the petitioner has suffered incarceration of 03 years, 01 month & 19 days as on 26.08.2025. It further shows that though the petitioner is involved in two other cases, however, he is on bail in the same. Needless to say that speedy trial is the fundamental right of every accused.

6. 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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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.*

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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.’*

7. The trial of the case is likely to take sufficient time. Speedy trial is the right of every accused. The Hon’ble Supreme Court in Ashim @ Asim Kumar Haranath Bhattacharya @ Asim Harinath Bhattacharya



@ Aseem Kumar Bhattacharya Vs. National Investigation Agency,

2022(1) SCC 695 has held as under:

“Deprivation of personal liberty without ensuring speedy trial is not consistent with Article 21 of the Constitution of India. While deprivation of personal liberty for some period may not be avoidable, period of deprivation pending trial/appeal cannot be unduly long. At the same time, timely delivery of justice is part of human rights and denial of speedy justice is a threat to public confidence in the administration of justice.”

8. The Hon’ble Supreme Court in a recent decision dated 03.07.2024 in **Javed Gulam Nabi Shaikh Vs. State of Maharashtra, Criminal Appeal No. 2787 of 2024**, has held that howsoever serious a crime may be, an accused has the right to speedy trial under the Constitution of India. Though the petitioner is involved in 2 other cases, however, the same cannot be a ground for non-consideration of his bail, specially when he is already on bail in those cases.

9. 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. Keeping in view the arguments raised by both the sides and perusing the record, 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.

10. 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.



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

(RAJESH BHARDWAJ)
JUDGE

27.08.2025

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Whether Speaking/Reasoned : Yes/No
Whether Reportable : Yes/No