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

**CRM-M No.53171 of 2025
Date of Decision: 24.09.2025**

Pawandeep Singh

..... Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

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

Mr. Raj Karan Singh, Asstt. A.G., Punjab.

Rajesh Bhardwaj, J. (ORAL)

1. Present third petition has been filed praying for the grant of regular bail to the petitioner in case bearing FIR No.120, dated 22.07.2024, under Sections 21-C/25/27-A/29 of NDPS Act, 1985, registered at Police Station Chheharta, District Amritsar.

2. Succinctly, the facts of the case are that the police party, while on patrolling on 22.07.2024, saw a person, who was holding a black colour polythene bag, standing on the road next to Nakhn Wale Bagh. On seeing the police, he got perplexed and started walking. On suspicion, he was stopped and on asking, he disclosed his name as Sukhdev Singh @ Manga. He was suspected to be carrying some contraband in the polythene bag, which he was holding and thus, he was given offer to be searched. On conducting the search of the polythene bag, 567 grams of heroin was recovered. He failed to produce any licence regarding the conscious



possession of the same and thus, the FIR was registered and he was arrested on the spot. The samples taken were sent to the FSL. On registration of the FIR, the investigation commenced. During the investigation, he made a disclosure statement about the complicity of the petitioner, namely, Pawandeep Singh and thus, he was also arrayed as an accused in the present case. Resultantly, the petitioner was arrested on 23.07.2024. On completion of the investigation, challan was presented and on framing of charges, 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 13.09.2024. Being aggrieved, the petitioner earlier approached this Court twice praying for the grant of bail by way of filing CRM-M-61874-2024 and CRM-M-8830-2025, however the same were dismissed vide orders dated 16.12.2024 and 21.02.2025. Hence being aggrieved, the petitioner is before this Court praying for grant of regular bail by way of filing the present third 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 has submitted that neither the petitioner was named in the FIR, nor any recovery has been effected from him. He has submitted that the petitioner has been arrayed as an accused in the present case on the basis of disclosure statement of the co-accused, which is not even an admissible evidence. He has further submitted that co-accused of the petitioner, namely, **Dilpreet Singh @ Preeta** has already been granted bail by this Court vide order dated 26.08.2025 passed in **CRM-M-29638-2025** and thus, case of the petitioner



is at par with that of the co-accused. He has thus submitted that in the facts and circumstances, when the co-accused has already been granted bail by this Court, 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. He has submitted that complicity of the petitioner has been duly proved during the investigation. He has submitted that in the disclosure statement of the co-accused, the petitioner was arrayed as an accused. He has submitted that the recovery of contraband effected from the co-accused falls under the commercial quantity and thus, provisions of Section 37 of the NDPS Act are attracted. He has endorsed the fact that co-accused of the petitioner, namely, Dilpreet Singh @ Preeta has already been granted bail by this Court.

5. Heard.

6. After hearing counsel for the parties and perusing the record, it is deciphered that the petitioner was arrayed as an accused on the basis of the disclosure statement of the co-accused. Contraband weighing 567 grams of heroin was recovered from the co-accused, which is commercial in nature, whereas, from the petitioner and co-accused, there is recovery of Rs.12,30,000/- drug money. Co-accused of the petitioner, namely, Dilpreet Singh @ Preeta has already been granted bail by this Court.

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. 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 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. It is being clarified that in case the petitioner does not furnish bail/surety bonds within a period of one week from today, his custody will not be counted in the present case after one week.

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

24.09.2025

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**(RAJESH BHARDWAJ)
JUDGE**

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