



250

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

**CRM-M No.38663 of 2025
Date of Decision: 18.08.2025**

Kuldeep Singh

.....Petitioner

versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Parminder Singh Sekhon, Advocate and
Mr. Guraziz Singh Dhillon, Advocate
for the petitioner.

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

RAJESH BHARDWAJ, J. (Oral)

1. Present second petition has been filed praying for the grant of regular bail to the petitioner in case bearing FIR No.44, dated 15.06.2022, under Sections 15 & 29 of NDPS Act, 1985 and Section 483 of IPC, registered at Police Station Khanauri, District Sangrur.

2. Succinctly the facts of the case are that on 15.06.2022, the police party while on patrolling received a secret information to the effect that Kuldeep Singh (petitioner), Ranjit Singh @ Jeeta and Jagpreet Singh were habitual of selling Poppy Husk. It was informed that they smuggle Poppy Husk by using their vehicle make Mahindra XUV and Volkswagen and if *raid* is conducted at their house, the contraband could be recovered.



On receiving the secret information, the raiding party was constituted and house of the petitioner was raided. 02 cars, as disclosed in the secret information, were parked there and thus search of the same were conducted. On conducting the search, total 312 Kgs of Poppy Husk was recovered and thus the FIR was registered. On registration of the FIR, the investigation commenced. The petitioner was declared proclaimed offender on 24.11.2023. Thereafter, he was arrested on 03.09.2024. The petitioner approached the Court of learned Judge, Special Court, Sangrur praying for grant of bail, however, after hearing both the sides and finding no merit in the same, the learned Judge, Special Court, Sangrur declined the petition filed by the petitioner vide order dated 22.11.2024. Aggrieved by the same, the petitioner earlier approached this Court by way of filing CRM-M No.64195 of 2024 praying for the grant of bail, however the same was dismissed as not pressed vide order dated 09.04.2025. Hence being aggrieved, the petitioner is again before this Court praying for the grant of bail by way of filing the present second petition.

3. Learned counsel for the petitioner has vehemently contended that the petitioner has been implicated in the present case. He has submitted that all the 03 brothers have been falsely implicated in the present case. He has submitted that the FIR has been registered on the basis of secret information, however, there is violation of mandatory provisions of Section 42 of the NDPS Act. He has submitted that there is a violation of mandatory provisions of Section 50 of NDPS Act as well. He has submitted that co-accused, namely, Ranjit Singh @ Ranjeet Singh @ Jitta, whose name was equally mentioned in the secret information, has been granted anticipatory bail by this Court vide order dated 16.09.2022



passed in CRM-M No.32972 of 2022, whereas the another co-accused, namely, Balraj Singh @ Jagpreet Singh has been granted regular bail by this Court vide order dated 13.03.2024 passed in CRM-M No.62140 of 2023. He has submitted that the petitioner has no criminal antecedents as he has never been involved in any other case. He has submitted that the petitioner is behind bars since the date of his arrest. 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. He has submitted that the petitioner was declared proclaimed offender on 24.11.2023 and thereafter, he was arrested on 03.09.2024. He has submitted that the raid was conducted on receiving the secret information specifically in the name of petitioner and co-accused. He has submitted that the total recovery effected is 312 Kgs of Poppy Husk, which is a commercial quantity and thus, the provisions of Section 37 of NDPS Act are attracted in this case. He, on instructions, has submitted that out of total 32 prosecution witnesses, only 02 witnesses have been examined so far. He has endorsed the fact that co-accused, namely, Ranjit Singh @ Ranjeet Singh @ Jitta was granted anticipatory bail vide order dated 16.09.2022 and co-accused, namely, Balraj Singh @ Jagpreet Singh was granted regular bail vide order dated 13.03.2024. He has placed on record 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 inferred that the petitioner though was declared proclaimed



offender on 24.11.2023, however he is behind bars since 03.09.2024. The recovery effected is 312 Kgs of Poppy Husk, which is a commercial quantity. As submitted, the petitioner has no criminal antecedents. Co-accused of the petitioner, namely, Ranjit Singh @ Ranjeet Singh @ Jitta and Balraj Singh @ Jagpreet Singh have already been granted bail. Custody certificate produced would show that the petitioner has completed incarceration of 11 months and 13 days as on 17.08.2025. It further reflects that the petitioner has no criminal antecedents as he has never been involved in any other case. Out of 32 prosecution witnesses, only 02 witnesses have been examined so far.

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.

18.08.2025

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Whether speaking/reasoned
Whether reportable

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**(RAJESH BHARDWAJ)
JUDGE**

Yes/No
Yes/No