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

**CRM-M No.18286 of 2025
Date of Decision: 19.08.2025**

Prabhjot Singh

.....Petitioner

versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Anshul Gupta, Advocate
for the petitioner.

Ms. Simran Gorla, 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.04, dated 11.01.2024, under Sections 21(c), 25 & 29 of NDPS Act, registered at Police Station Navi Baradari, District Jalandhar.

2. Succinctly the facts of the case are that on 11.01.2024, the police, while on patrolling, saw one car bearing registration No.DL-9C-M-3327, which was being driven by a sikh person. On seeing the police, he got perplexed and tried to reverse the car, however he was apprehended. On asking, he disclosed his name to be Prabhjot Singh (petitioner). A black colour polythene was seen lying between his thighs and on suspicion, he was given the notice under Section 50 of NDPS Act



for the search. On conducting the search, 1 Kg of heroin was recovered from the polythene bag being carried by the petitioner. He failed to produce any licence regarding the conscious possession of the same, thus, the FIR was registered and the petitioner was arrested on the spot. On registration of the FIR, the investigation commenced. The samples taken were sent to the FSL. On receipt of FSL report, the challan was presented and on framing the charge, the trial commenced. The petitioner approached the Court of learned Judge, Special Court, Jalandhar praying for grant of bail, however, after hearing both the sides and finding no merit in the same, the learned Judge, Special Court, Jalandhar declined the petition filed by the petitioner vide order dated 07.03.2024. Being aggrieved, the petitioner earlier approached this Court praying for the grant of bail by way of filing CRM-M-30013-2024, however the same was allowed to be dismissed as withdrawn vide order dated 28.10.2024. 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 falsely implicated in the present case. He has submitted that the alleged recovery has been effected from the public place, however there is no independent witness joined. He has submitted that there is a violation of mandatory provisions of Section 50 of NDPS Act in conducting the search. He has submitted that the petitioner is behind bars since the date of his arrest, i.e. 11.01.2024, however there is no material progress in the trial and thus, the right of speedy trial has been defeated. He has submitted that the petitioner has no criminal antecedents as he has never been involved in any other case of the similar nature. 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 contraband recovered from the petitioner is 1 Kg of heroin, which is a commercial quantity and thus, the provisions of Section 37 of NDPS Act are attracted in this case. She, on instructions, has submitted that out of total 10 prosecution witnesses, only 02 witnesses have been examined so far. She 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 is behind bars since 11.01.2024. The recovery effected is 1 Kg of heroin, which is a commercial quantity. Custody certificate produced would show that the petitioner has completed incarceration of 01 year, 07 months and 01 day 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 10 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.

19.08.2025

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Whether speaking/reasoned
Whether reportable

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Yes/No
Yes/No

(RAJESH BHARDWAJ)
JUDGE