



CRM-M-34261-2025

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

CRM-M-34261-2025

Date of Decision: 09.07.2025

Pritpal Singh

..... Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Jashandeep Singh Sandhu, Advocate for the petitioner.
 Mr. Raj Karan Singh, AAG, Punjab.

Rajesh Bhardwaj, J. (ORAL)

1. Petitioner has approached this Court by way of present third petition praying for granting regular bail in case FIR No.160 dated 30.08.2021, under Sections 22(c), 15(B) and 29 of NDPS Act, 1985, registered at Police Station Sangat, District Bathinda.

2. Succinctly, facts of the case are that while patrolling on 30.08.2021, the police party saw one horse tralla bearing No.RJ-07GA-4655 and one Angzelo car bearing No.PB-03X-4811, which were parked at the main road. Three person were shifting bags from the horse tralla to the car. The police party found this suspicious and proceeded to enquire about their identities. They disclosed their names as Gurpreet Singh @ Peeta, Raj Kumar @ Kala and Satniranjan Singh @ Shambhu. They were suspected to be carrying some contraband and, thus, they were given offer to be searched. On conducting search of the bags, 50,000 tablets of Corlividol-100SR Tramadol, 12,000 tablets of Cloviedol-100SR Tramadol, 4000 tablets of Cloveedol 100SR and 14 Kg of poppy pod were recovered. They failed to produce any licence regarding possession of the said contraband, and



accordingly an FIR was registered and all the three were arrested on the spot. Samples were taken and sent to the FSL. On registration of the FIR, investigation commenced. During the course of investigation, the complicity of the petitioner also surfaced on the basis of disclosure statement of co-accused, and he was also arrayed as an accused. The petitioner initially approached this Court by filing Crl. Misc. No.41746 of 2021, praying for grant of anticipatory bail. However, the same was declined by this Court on 05.10.2021. Thereafter, the petitioner remained absconding and ultimately arrested on 11.02.2024. He approached the learned Special Court at Bathinda, praying for the grant of regular bail. However, after hearing both the parties, the same was declined vide order dated 06.05.2024. The petitioner subsequently filed two bail petitions, i.e. CRM-M-33528-2024, which was allowed to be dismissed as withdrawn on 25.07.2024, and CRM-M-51756-2024, which was allowed to be dismissed as not pressed on 07.04.2025. Hence, the petitioner has approached this Court by filing the present third petition, praying grant of regular bail.

3. Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. He submits that the petitioner has been implicated only on the basis of the disclosure statement of the co-accused, which is not admissible in evidence. He submits that the only allegation against the petitioner is that he is a supplier of contraband, without any evidence on record. He further submits that the petitioner has no criminal antecedents, as he has never been involved in any other case except the present case. It is also pointed out that DSP Devender Singh has been examined as PW6, who has deposed before the Court that no incriminating



evidence was collected against the petitioner. He, thus, submits that implication of the petitioner is virtually without any evidence in this case. Accordingly, he submits that in view of overall facts and circumstances of the case, the petitioner deserves to be granted bail.

4. Per contra, learned State counsel has vehemently opposed the submissions made by counsel for the petitioner. He submits that a heavy commercial quantity of contraband has been recovered from the co-accused, and as per the prosecution, the petitioner was found to be the supplier of the contraband. He further submits that the petitioner initially could not be arrested, but finally he was arrested on 11.02.2024. It is submitted that there are total 5 accused persons, out of which 3 had already been convicted, whereas co-accused Sukhmander Singh is still facing trial. He further submits that the recovery effected in this case falls in the category of commercial quantity and thus, provisions of Section 37 of the NDPS Act are attracted.

Learned State counsel submits that as per the custody certificate, the petitioner has no criminal antecedents. On instructions, he submits that out of total 14 prosecution witnesses, 3 have been given up, and 11 are yet to be examined.

5. After hearing counsel for the parties and perusing the record, it is noticed that name of the petitioner surfaced in the present case only on the basis of a disclosure statement of the co-accused. The recovery was effected from the co-accused, who have since been convicted by the learned Trial Court. As submitted, the petitioner has no criminal antecedents and out of total 14 witness, 11 remains to be examined.



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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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.”

7. In overall facts and circumstances, the Court find that the petitioner deserves for grant of regular bail. 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.

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

09.07.2025
rajan

(RAJESH BHARDWAJ)
JUDGE

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