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

**CRM-M No.27207 of 2025
Date of decision : 27.05.2025**

Suresh Singh

.....Petitioner

versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Narinder Saini, Advocate
for the petitioner.

Mr. J. S. Arora, DAG, Punjab.

RAJESH BHARDWAJ, J. (Oral)

1. Present fifth petition has been filed praying for the grant of regular bail to the petitioner in case bearing FIR No.136, dated 03.10.2020, under Sections 22/29/61/85 of NDPS Act, 1985, registered at Police Station Moonak, District Sangrur (Annexure P-1).

2. Succinctly the facts of the case are that the police party on 03.10.2020 received a secret information to the effect that Suresh Singh was involved in selling the narcotics tablets and he supplied the same to one Sandeep Singh. It was informed that Suresh Singh would go to Moonak from his village Dehlan and in case of search, he could be arrested along with the contraband. On receiving the secret information, the raiding party was constituted and reached at the disclosed place. The



person as disclosed in the secret information was seen coming and thus was stopped. He on asking disclosed his name as Suresh Singh, i.e. the petitioner. He was suspected to be carrying some contraband. On giving the offer, the search was conducted. On conducting the search, 1000 intoxicating tablets labeled as Clovidol-100 SR were recovered from him. 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. As per the FSL report, the recovered intoxicating tablets contained 399 grams of Tramadol Hydrochloride. On completion of the investigation, the challan was presented and on framing the charges, the trial Court commenced with the trial. The petitioner approached the Court of learned Judge, Special Court, Sangrur praying for the grant of bail. However, after hearing both the sides finding no merit in the same, the learned Judge, Special Court, Sangrur declined the petition filed by the petitioner vide order dated 11.04.2022. Being aggrieved the petitioner earlier approached this Court 04 times by way of filing CRM-M-48844-2022, CRM-M-27084-2023, CRM-M-43373-2024 and CRM-M-6072-2025, which were allowed to be dismissed as withdrawn vide orders dated 05.12.2022, 14.12.2023, 25.11.2024 and 06.02.2025, respectively. Hence being aggrieved, the petitioner is before this Court by way of filing the present fifth petition praying for the grant of regular bail.

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 FIR has been registered on the basis of secret



information, thus there is a violation of mandatory provisions of Section 42 of NDPS Act. He has submitted that there is a violation of Section 50 of NDPS Act as well at the time of conducting the search. He has submitted that as the petitioner was involved in other cases, hence his custody thereafter has been counted from 28.09.2022. He has submitted that the petitioner is admittedly behind bars since the date of his arrest, i.e. 03.10.2020 in the present case. He has submitted that co-accused of the petitioner, namely, Gurdev Singh @ Guria, has already been granted bail by this Court vide order dated 12.09.2024 passed in CRM-M-7549-2024. He has submitted that though the petitioner is prosecuted in other cases, however rest of the cases, however he is on bail. He has submitted that in the facts and circumstances, the petitioner deserves to be granted bail.

4. *Per contra*, learned counsel for the State however has opposed the submissions made by counsel for the petitioner. He, on instructions, has submitted that the petitioner was specifically named in the secret information and on recovery, the contraband of Tramadol Hydrochloride was recovered from his possession. As per the FSL report, the recovered contraband weighed 399 grams, which is a commercial quantity and thus the provisions of Section 37 of NDPS Act are attracted. He, on instructions, has submitted that in all there are 21 prosecution witnesses, out of which 15 remains to be examined so far. He has placed on record custody certificate of the petitioner today in the Court and the same is taken on record.

5. Heard.

6. After hearing learned counsel for the parties and perusing the



record, it is inferred that the FIR was registered on the basis of secret information. The petitioner was arrested on the spot on 03.10.2020. However he was involved in other cases as well. As per the custody certificate, his custody commenced in the present case from 28.09.2022. Custody certificate produced would further show that the petitioner has suffered incarceration of 02 years, 07 months and 28 days as on 26.05.2025. Though the petitioner is involved in other cases, however he is on bail in those cases. Out of 21 prosecution witnesses, 15 still remains to be examined. The contraband recovered is Tramadol Hydrochloride and the quantity above 250 grams is commercial quantity whereas from the petitioner 399 grams of Tramadol Hydrochloride was recovered.

7. After perusal of the order passed by the Hon'ble Supreme Court in *Mohd Muslim @ Hussain vs. State (NCT of Delhi), 2023 Live Law (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.

9. 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, the Court is of the opinion that learned counsel for the petitioner succeeds in making out a case for the grant of 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. Nothing said



herein shall be treated as an expression of opinion on the merits of the case. However, if the petitioner does not furnish the bail bonds within seven days from today, then his further custody period after one week will not be counted in this case.

27.05.2025

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Whether speaking/reasoned
Whether reportable

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**(RAJESH BHARDWAJ)
JUDGE**

Yes/No
Yes/No