



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

**CRM-M-35019-2025**

Date of Decision: 31.07.2025

Jaspal Singh

..... Petitioner

Versus

State of Punjab

.....Respondent

**CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ**

Present: Mr. P.S.Sekhon, Advocate and  
Mr. Rajdeep Singh Gill, Advocate, for the petitioner.  
Mr.Raj Karan Singh, AAG, Punjab.

**Rajesh Bhardwaj, J. (ORAL)**

1. Petitioner has approached this Court by way of filing the present petition praying for grant of regular bail in case FIR No.71 dated 26.06.2024 under Sections 18, 27, 27-A, 27-B and 29 of NDPS, 1985 and Sections 52, 181 of the Motor Vehicles Act, 1988, registered at Police Station Khuian Sarwar, District Fazilka.
2. Succinctly, facts of the case are that while patrolling the police party received a secret information on 26.06.2024 to the effect that Sukhyad Singh @ Yad, Tarsem Singh and Jugraj Singh are involved in smuggling the opium, which they would be bringing from Jharkhand in Swift Car bearing registration No.PB-05-AC-5015. It was informed that in case of raid, they could be arrested alongwith the contraband. On receiving the information, raiding team was constituted and the vehicle as disclosed in the secret information was stopped. All the three persons disclosed in the secret information, were arrested alongwith the contraband, which was found to be 66 kgs of opium. On the registration of the FIR, the investigation commenced. During the investigation, the co-accused made a disclosure statement about the petitioner, wherein, complicity of the petitioner was



surfaced and thus, he was also arrayed as an accused and thereafter, arrested on 05.07.2024. The petitioner approached the Court of learned Judge, Special Court, Fazilka praying for grant of regular bail. However, after hearing both the sides, the learned Court finding no merits in the same, dismissed the bail application filed by the petitioner vide order dated 20.12.2024. Aggrieved by the same, the petitioner earlier approached this Court by way of filing CRM-M-1440-2025, however, the same was dismissed as not pressed vide order dated 03.03.2025. Hence, the petitioner has again approached this Court praying for grant of regular bail by way of filing the present second 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 submits that neither the petitioner has been named in the secret information nor any recovery has been made from him. He submits that the petitioner has been arrayed as an accused only on the basis of the disclosure statement of the co-accused, which even otherwise is not an admissible evidence. He submits that the disclosure statement of the co-accused was to the effect that the petitioner modified the vehicle of the co-accused for carrying the contraband. He submits that the petitioner is a mechanic by profession, who has no concern with the offence as alleged under the NDPS Act. He submits that from the case of the prosecution, no offence under the NDPS Act can be said to have been committed by the petitioner. It is submitted that the petitioner is behind bars since the date of his arrest and has completed an incarceration of about one year. He further submits that the petitioner has no criminal antecedents. He, thus, submits that in the 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 has submitted that the petitioner was actively involved with the co-accused and in conspiracy with them has committed the offence. It is submitted that the petitioner being the mechanic, designed the vehicle so as to carry maximum quantity of contraband by camouflaging the same. On instructions, he submits that the investigation is complete and charges are framed. He has placed on record the custody certificate of the petitioner.

5. After hearing counsel for the parties and perusing the record, it is deciphered that the petitioner has been arrayed as an accused in the present case on the basis of the disclosure statement of the co-accused. It is submitted that the petitioner is alleged to be a mechanic and in conspiracy with the co-accused, has modified the vehicle. Whether the offence committed by the petitioner falls under the NDPS Act, would lie with the domain of the trial Court. The custody certificate reflects that the petitioner has suffered incarceration of 01 year & 19 days as on 30.07.2025. It further reflects that the petitioner has no criminal antecedents.

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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*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"<sup>22</sup> (also see Donald Clemmer's 'The Prison Community' published in 1940<sup>23</sup>). 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. 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. The trial of the case will take sufficient long time. 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.

8. 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.

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

**31.07.2025**

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

**(RAJESH BHARDWAJ)**  
**JUDGE**