



225

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

**CRM-M No.17312 of 2025
Date of decision: 27.10.2025**

Hari Singh Dhillon**.....Petitioner****versus****State of Punjab****..... Respondent****CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ**

Present :- Mr. Vipul Jindal, Advocate
for the petitioner.

Ms. Simran Gorla, A.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.30, dated 12.02.2024, under Sections 21, 23, 25, 27, 27-A & 29-61-85 of NDPS Act, 1985; Section 307 of IPC, 1860 and Sections 25, 27, 54 & 59 of Arms Act, 1959, registered at Police Station Gharinda, District Amritsar.

2. Succinctly the facts of the case are that the police party, while on patrolling on 12.02.2024, received a secret information to the effect that one Alto Car bearing No.PB-02-DX-9106 in which a Sikh person and a person with hair cut were going. It was informed that if the vehicle is checked, they could be apprehended along with the contraband, i.e. heroin, which was smuggled from Pakistan through drain. On receiving the secret information, the police laid the barricading at Iron Bridge on



Drain. The vehicle, as disclosed, was seen coming. On seeing the police party, they tried to escape, however, they were over powered by the police as the car lost the control while they were trying to escape. The driver of the car disclosed his name to be Sarwan Singh whereas the person seating on the side seat, disclosed his name to be Sukhdev Singh. They were suspected to be carrying some contraband, and thus, search of the car was conducted. On conducting the search, 04 packets wrapped in a white transparent and yellow tape were recovered from the dashboard. Thus, on conducting the search of the packets, total 02 kgs heroin was recovered. Both the inmates of the car failed to produce any licence regarding the conscious possession of the same. Thus, the FIR was registered and they were arrested on the spot. On registration of the FIR, the investigation commenced. Samples taken were sent to the FSL. On receiving the FSL report, challan was presented. During the investigation, complicity of the petitioner surfaced and thus, he was also arrayed as an accused in the present case. Resultantly, the petitioner was arrested on 16.02.2024. The petitioner approached the Court of learned Judge, Special Court, Amritsar praying for the grant of bail, however, after hearing both the sides and finding no merit in the same, the learned Judge, Special Court, Amritsar declined the bail application filed by the petitioner vide order dated 24.09.2024. Being aggrieved, the petitioner earlier approached this Court by way of filing CRM-M-6566-2025, however the same was dismissed as withdrawn vide order dated 04.02.2025. 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 contended that the



petitioner has been falsely implicated in the present case. He has submitted that the petitioner has been arrayed as an accused in the present case on the basis of disclosure statement of co-accused, which is not even an admissible evidence. He has submitted that even otherwise, the petitioner is behind bars since the date of his arrest, i.e. 16.02.2024 and thus, has suffered incarceration of more than 1½ years. He has submitted that the petitioner is not involved in any other case. He has further submitted that co-accused of the petitioner, namely, Harmeet Singh @ Meet, Anokh Singh and Gurpreet Singh have already been granted bail by this Court vide orders dated 13.05.2025 and 25.07.2025, respectively, passed in CRM-M No.52756 of 2024, CRM-M-33258-2024 and CRM-M-42151-2024 and thus, has submitted that the case of the petitioner is at par with the co-accused. He has submitted that in the facts and circumstances, when the co-accused have already been released on bail, the petitioner deserves to be granted bail.

4. *Per contra*, learned State counsel has opposed the submissions made by the counsel for the petitioner. She has submitted that complicity of the petitioner has been duly proved during the investigation. She has submitted that 1.5 Kgs of heroin has been recovered from the petitioner, which is under the commercial quantity and thus, the provisions of Section 37 of NDPS Act are attracted. She, on instructions, has submitted that out of total 21 prosecution witnesses, only 01 witness has been examined so far. She has produced custody certificate of the petitioner today in the Court, which is taken on record. She has further endorsed the fact that co-accused of the petitioner, namely, Harmeet Singh @ Meet, Anokh Singh and Gurpreet Singh have already been granted bail



by this Court vide orders dated 13.05.2025 and 25.07.2025, respectively.

5. Heard.

6. On 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 disclosure statement of co-accused. The petitioner is behind bars since 16.02.2024. Custody certificate produced would show that the petitioner has suffered an incarceration of 01 year, 08 months and 04 days as on 25.10.2025. It further reflects that the petitioner is involved in one jail offence, however he has undergone the period. The recovery effected in the present case falls under the category of commercial quantity. Out of 21 prosecution witnesses, only one witness has been examined so far. Admittedly, co-accused of the petitioner, namely, Harmeet Singh @ Meet, Anokh Singh and Gurpreet Singh have already been granted bail by this Court vide orders dated 13.05.2025 and 25.07.2025, respectively.

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.

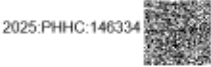
22. xxxxx

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. This Court would refrain itself from commenting anything on the merits of the case. 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. 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 on parity.

10. 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.

27.10.2025

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(RAJESH BHARDWAJ)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No