



CRM-M-17421-2025

1

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

224+229

(1) CRM-M-17421-2025 (O&M)

Amolak Singh @ Anmol

..... Petitioner

Versus

State of Punjab

.....Respondent

(2) CRM-M-26315-2025 (O&M)

Rekha

..... Petitioner

Versus

State of Punjab

.....Respondent

Date of Decision: 24.09.2025**CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ**

Present: Mr. Ruhani Chadha, Advocate
for the petitioner in CRM-M-17421-2025.

Mr. J.S.Sandhu, Advocate
for the petitioner in CRM-M-26315-2025.

Mr. Raj Karan Singh, AAG, Punjab.

RAJESH BHARDWAJ, J.(Oral)

1. This order will dispose of above-mentioned two petitions, as both have arisen out of a common FIR.

2. Petitioners have approached this Court by way of present petitions praying for granting them regular bail in case FIR No.306 dated 04.10.2023, under Sections 21(c) and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Special Task Force, STF Wing, SAS Nagar Mohali.

3. Succinctly the facts of the case are that the police party on 04.10.2023, received a secret information to the effect that Amolak Singh @

**CRM-M-17421-2025****2**

Anmol along with Rekha wife of Tarsem Singh and Vikramjit Singh @ Vishal were involved in the business of selling heroin and they were present at Tarn Taran Chowk Adda Jandiala Chowk to supply the heroin in large quantity. If the raid is conducted, they can be arrested along with the contraband. On receiving the information, the raiding team was constituted and the raid was conducted at the place disclosed, where out of 03 accused as disclosed in the secret information, 02 accused namely Rekha-Petitioner in CRM-M-26315-2025 and Anmol-Petitioner in CRM-M-17421-2025 were arrested, however, Vikramjit managed to escape. Their search was conducted and from search of Anmol 700 grams of heroin was recovered whereas from Rekha, 1 kg 500 grams heroin along with drug money of Rs.2,05,000/- was recovered. They failed to produce any licence for possession of the said contraband and thus, were arrested on spot i.e 04.10.2023. On registration of the FIR, investigation commenced and the Vikramjit Singh was declared as proclaimed offender. The petitioners approached the Learned Judge, Special Court, Tarn Taran/Additional Sessions Judge, Tarn Taran praying for grant of bail, however, finding no merit, the same were declined after hearing both the sides by Learned Judge, Special Court, Tarn Taran/Additional Sessions Judge, Tarn Taran vide orders dated 16.07.2024 and 18.04.2025, respectively. Petitioner, namely, Amolak Singh @ Anmol earlier approached this Court by way of filing CRM-M-51852-2024 for grant of regular bail which was dismissed vide order dated 18.12.2024 as not pressed. Aggrieved by the same, the petitioners approached this Court praying for grant of bail.

4. It has been vehemently contended by learned counsel for the petitioners that the case is based on the basis of secret information. There is violation of Section 42 of the NDPS Act. It is further submitted that there is also violation of Section 50 of the NDPS Act as well. They submit that the



CRM-M-17421-2025

3

petitioners are behind bars since the date of their arrest i.e 04.10.2023, however, there is no material progress in the trial. Thus, they have submitted that the petitioners deserve the concession of regular bail.

5. *Per contra*, learned State counsel has vehemently opposed the submissions made by counsel for the petitioners. He has submitted that recovery of contraband has been effected from both the petitioners on the spot. The recovery of contraband from the petitioner-Amolak is 700 grams of heroin whereas from Rekha is 1 kg 500 grams heroin (Total 2.2 kgs of heroin i.e, commercial quantity) along with drug money of Rs.2,05,000/-. He submits that the petitioners are involved in other cases. On instructions, he has submitted that out of 19 prosecution witnesses, 2 witnesses been examined till date. He has placed on record the custody certificates of the petitioners.

6. On hearing counsel for the parties and perusing the record, it is deciphered that the petitioners are behind bars since the date of their arrest i.e. 04.10.2023. There is no denial to the fact that every accused has the fundamental right of speedy trial. Custody certificates of the petitioners would show that the petitioners have suffered an incarceration of 01 year, 11 months and 17 days (approximately) as on 24.09.2025. Custody certificates further show that petitioner Amolak Singh @ Anmol is involved in two other cases, whereas, petitioner Rekha is involved in one more case. Out of total 19 prosecution witnesses, only two witnesses have been examined till date.

7. 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

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.

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. This Court would refrain itself from commenting anything on the merits of the case. The trial of the case will

**CRM-M-17421-2025****5**

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 petitioners succeed in making out a case for grant of regular bail to the petitioners.

9. Accordingly, the present petitions are allowed and the petitioners are ordered to be released on bail on their furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate.

10. It is being clarified that in case petitioners do not furnish bail/surety bonds within a period of one week from today, their custody will not be counted in the present case after one week.

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

24.09.2025

Rajeev (rvs)

**(RAJESH BHARDWAJ)
JUDGE**

Whether Speaking/Reasoned: **YES/NO**
Whether Reportable: **YES/NO**