



CRM-M-17549-2025

-1-

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

CRM-M-17549-2025

Date of Decision: 28.07.2025

Jaswinder Singh @ Beant Singh

..... Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Sahil Vashishat, Advocate, for the petitioner.

Ms. Simran Gorla, AAG, Punjab.

Rajesh Bhardwaj, J. (ORAL)

1. Petitioner has approached by way of filing the present petition praying for grant of regular bail in case FIR No.101 dated 01.07.2018 under Sections 21, 22 of NDPS, 1985, registered at Police Station Hathur, Ludhiana.

2. Succinctly, facts of the case are that on 01.07.2018, the police party, received a secret information to the effect that Beant Singh (petitioner) and his wife Simranjit Kaur were indulged in selling intoxicant substance. In case of raid, they could be arrested alongwith the contraband. On receiving the secret information, the police party carried out raid and 220 grams of intoxicant powder containing Alprazolam was recovered from the petitioner. He failed to produce any licence regarding the possession of the same. Thus, on the registration of the FIR, the petitioner was arrested. The samples taken were sent to the FSL. During the pendency of the receipt of FSL, the petitioner was granted interim bail on 24.08.2018. However, wife of the petitioner was found to be innocent. On receiving the report of the FSL, the contraband was found to be commercial in nature and thus, the challan was presented and the interim bail granted to the petitioner was



cancelled and he was taken into custody on 16.09.2024. On framing of charges, the trial Court proceeded with the trial. The petitioner approached the Court of learned Additional Sessions Judge, Ludhiana praying for grant of regular bail. However, after hearing both the sides, the learned Court finding no merit in the same, dismissed the bail application filed by the petitioner vide order dated 12.12.2024. Hence, the petitioner has approached this Court praying for grant of regular bail by way of filing the present 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 the FIR was registered on the basis of secret information, however, there is violation of mandatory provisions of Section 42 of the NDPS Act. He submits that there is violation of Section 50 of NDPS Act as well. He submits that the case has been falsely planted on the petitioner. It is submitted that the petitioner was granted interim bail by learned trial Court vide order dated 24.08.2018 and he never misused the concession of interim bail. He submits that though the petitioner was falsely implicated in one more case, however, he is on bail in the same. He submits that the prosecution has not been able to conclude the trial till now, though the FIR was registered in the year 2018. 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. She has submitted that recovery effected in the present case as per the FSL report is 220 grams of Alprazolam, which is a commercial quantity and thus, provisions of Section



37 of the NDPS Act are attracted. On instructions, she has submitted that though the petitioner is involved in one more case, however, cancellation report was presented in the same. She further submits that out of 9 prosecution witnesses, only 04 witnesses have been examined. She 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 FIR in the present case was registered on the basis of the secret information. The petitioner was granted interim bail by learned trial Court vide order dated 24.08.2018. However, thereafter, on receiving the FSL report, his interim bail got cancelled and he was arrested on 16.09.2024. As submitted before this Court, 04 witnesses have been examined out of 09 prosecution witnesses. The custody certificate reflects that the petitioner has suffered incarceration of 01 year & 02 days as on 27.07.2025.

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.

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.’

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.

28.07.2025		(RAJESH BHARDWAJ)
sharmila		JUDGE
	Whether Speaking/Reasoned :	Yes/No
	Whether Reportable :	Yes/No