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

CRM-M-24577-2025

Date of Decision: 02.12.2025

Gurlal Singh @ Gullu

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

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

Mr. Amit Kumar Goel, A.A.G., Punjab.

RAJESH BHARDWAJ, J. (ORAL)

1. Present petition has been filed for grant of regular bail to the petitioner in case FIR No.251 dated 21.08.2023, under Sections 21, 23, 28, 29 & 30 of Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Special Task Force (STF), District SAS Nagar, Mohali.

2. Succinctly the facts of the case are that on 21.08.2023, the police party while on patrolling, received a secret information to the effect that Dilbag Singh @ Baga and Dhir Singh @ Dhira, were involved in smuggling of heroin and they were carrying out the same from the smugglers across the Border. If their houses are raided, contraband could be recovered. On receiving the information, the raiding party was constituted and the house of Dilbag Singh was raided, who was arrested. Thereafter, the raiding party raided the house of Dhir Singh and he was also arrested. On his interrogation, he made a disclosure in pursuance to the same, 01 kg heroin was recovered from his house on the next date i.e. 22.08.2023. They failed to produce any licence regarding the



possession of the same and thus, on registration of FIR, the investigation commenced. On completion of investigation, challan was presented and on framing of charges, the trial Court commenced with the trial. During investigation, name of the petitioner surfaced on the basis of disclosure statement of co-accused Dhir Singh @ Dheera and resultantly, he was also arrested on 08.09.2023. The petitioner approached the learned Judge, Special Court, Amritsar for grant of bail, however, after hearing both the sides, the same was declined by the learned Judge, Special Court, Amritsar vide order dated 01.04.2025. Aggrieved by the same, the petitioner has approached this Court by way of filing of present petition praying for the grant of regular bail.

3. It has been contended by learned counsel for the petitioner that the petitioner has been falsely and frivolously implicated in this case. He submits that the petitioner has been implicated in the present case on the basis disclosure statement of co-accused, namely, Dhir Singh @ Dheera, from whom recovery of 01 kg of heroin was effected. To buttress his arguments, he has submitted that even otherwise, the disclosure statement is not even an admissible evidence. He further submits that co-accused, namely, Dhir Singh @ Dheera, from whom the recovery was effected has already been granted bail by this Court vide order dated 25.07.2025 passed in CRM-M-12830-2025. He thus, submits that in the overall facts and circumstances, the petitioner deserves to be granted bail.

4. Per contra, learned State counsel has opposed the submissions made by the counsel for the petitioner. He has submitted that petitioner was named in the disclosure statement of co-accused Dhir Singh @ Dheera from whom recovery of 01 kg of heroin, was effected, which is a commercial quantity and thus, provisions of Section 37 of NDPS Act, are attracted in the



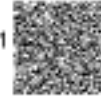
present case. He submits that the petitioner was arrayed as an accused on the basis of disclosure statement of co-accused, namely, Dhir Singh @ Dheera, however, endorsed the fact that he has already been granted bail by this Court vide order dated 25.07.2025 passed in CRM-M-12830-2025. He has produced the custody certificate of the petitioner on record.

5. On hearing counsel for the parties and perusing the record, it is deciphered that the petitioner in the present case was arrayed as an accused on the basis of disclosure statement of the co-accused, Dhir Singh @ Dheera, from whom recovery of 01 kg of heroin, was effected, which is a commercial quantity. Co-accused, is already on bail granted bail by this Court vide order dated 25.07.2025. As per custody certificate, the petitioner has suffered an incarceration of 06 months and 15 days as on 01.12.2025. It further reflects that the petitioner is involved in 03 more cases, out of which in 01 case he has been discharged.

6. 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.

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 trial of the case will take sufficient long time. Thus, keeping in view the arguments raised by both the sides, 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 on the basis of parity.

9. 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.

10. In case the bail bonds are not furnished by the petitioner during the period of 07 days from today, then his further custody period after one week will not be counted in the present case.

02.12.2025
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(RAJESH BHARDWAJ)
JUDGE

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