



CRM-M-25330-2025
CRM-M-38673-2025

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225+231(2 cases)

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

1. CRM-M-25330-2025

Banti @ Bunty @ BadalPetitioner

versus

State of Punjab Respondent

2. CRM-M-38673-2025

Mandeep Pal Singh @ GoraPetitioner

versus

State of Punjab Respondent

Date of decision : 11.09.2025

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Jasdev Singh Mehndiratta, Advocate and
Ms. Tanveen Kaur, Advocate
for the petitioner in CRM-M-25330-2025.

Mr. Sayyam Garg, Advocate (through V.C.)
for the petitioner in CRM-M-38673-2025.

Ms. Simran Gorla, A.A.G., Punjab.

RAJESH BHARDWAJ, J. (Oral)

1. By way of this common order, this Court intend to dispose of
abovesaid two petitions as they have arisen out of the same FIR.

2. Petitioners have approached this Court by way of present
petitions praying for granting them regular bail in case FIR No.148 dated



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21.09.2024, under Sections 21 and 29/61/85 of Narcotic Drugs and Psychotropic Substances Act, 1985 registered at Police Station STF Mohali, District SAS Nagar.

3. Succinctly, the facts of the present case are that the police party, while on patrolling on 20.09.2024, saw two clean shaved person on a motorcycle. A polythene bag was hanging on the right handle of the motorcycle. On seeing the police, they got perplexed and tried to turn the motorcycle towards Ambala City. On suspicion, they were apprehended and on asking, they disclosed their names to be Shivam and Karan. They were suspected to be carrying some contraband in the polythene being carried by them and thus, search of the same was conducted. On conducting the search 498 grams of heroin was recovered from the same. They failed to produce any licence regarding the conscious possession of the same and thus, 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. During investigation, the disclosure statement of Shivam was recorded who disclosed about the complicity of petitioner-Banti @ Bunti @ Badal and thus, he was arrayed as an accused in the present case and was arrested on the same day i.e. on 21.09.2024. After 08 months of the occurrence, second disclosure statement of co-accused Shivam was recorded, wherein he disclosed about the complicity of petitioner-Mandeep Pal Singh @ Gora and thus, he was also arrayed as an accused in the present case and was arrested on 22.05.2025. Both the petitioners approached the learned Judge, Special Court, Patiala for grant of bail. However, after hearing both the sides and finding no merit in the same, the learned Judge, Special Court, Patiala declined their bail applications vide orders dated 29.03.2025 and 08.07.2025, respectively.



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Hence being aggrieved, petitioners are before this Court praying for the grant of bail by way of filing the present petition.

4. Learned counsel for the petitioners has contended that the petitioners have been falsely implicated in the present case. It has been submitted that neither the petitioners named in the FIR nor any recovery has been effected from them and the only evidence against the petitioners is the disclosure statement of the co-accused. Learned counsel for petitioner-Bunty has submitted that recovery of Rs.3,50,000/- had been planted upon the petitioner only in order to falsely implicate him. He submits that the disclosure statement in itself is not an admissible evidence. He submits that though the petitioner was falsely implicated in one more FIR i.e. FIR No.160 dated 16.08.2021, however, he has already undergone the sentence. He submits that the petitioner is behind bars from last 11 months and thus, he deserves to be granted bail. Learned counsel for petitioner-Mandeep Pal Singh @ Gora, submits that the name of the petitioner has been implicated on the basis of second disclosure statement recorded after about 08 months of the occurrence. It is submitted that except the disclosure statement there is no evidence against the petitioner and thus, his false implication is writ large. They, thus, submit that in the overall facts and circumstances, the petitioners deserve to be granted bail.

5. Learned State counsel, on instructions, has opposed the submissions made by the counsel for the petitioners and submits that the alleged recovery effected is 498 grams of heroin which is a commercial quantity and thus, provisions of Section 37 of NDPS Act, are attracted in the present case. The complicity of the petitioners was prima facie established during the investigation. There is recovery of cash worth Rs.3,50,000/- from petitioner-Banti. She has produced the custody



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certificates of the petitioners in the Court. She, on instructions, has submitted that challan against petitioner-Banti has already been filed whereas the supplementary challan against petitioner-Mandeep is yet to be filed.

6. On hearing counsel for the parties and perusing the record, it is deciphered that the petitioners have been implicated in the present case on the basis of disclosure statement of the co-accused. The recovery of contraband is from the co-accused and not from the petitioners. As per custody certificate, petitioner-Banti @ Buntty @ Badal has suffered an incarceration of 10 months and 26 days as on 10.09.2025, though, one more case is there against him, however, he has already undergone the sentence in the same. Petitioner-Mandeep has suffered an incarceration of 03 months and 17 days as on 10.09.2025. It further reflects that there is no other case against him.

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.

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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”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.

9. This Court would refrain itself from commenting anything on the merits of the case. Thus, keeping in view the overall facts and circumstances of the case, this Court is of the opinion that learned counsel for the petitioners succeed in making out a case for grant of regular bail. Accordingly, both the petitions are allowed. Petitioners are ordered to be



released on bail on their 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.

11.09.2025
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(RAJESH BHARDWAJ)
JUDGE

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