



CRM-M-29638-2025

-1-

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

CRM-M-29638-2025

Date of Decision: 26.08.2025

Dilpreet Singh @ Preeta

..... Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Rishu Mahajan, 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.120 dated 22.07.2024 under Sections 21-C/25/27-A/29 of the Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Chheharta, Amritsar.
2. Succinctly, facts of the case are that on 22.07.2024, while on patrolling the police party saw a person, who was holding a black colour polythene bag, standing on the road next to Nakhan Wale Bagh. On seeing the police, he got perplexed and started walking. On suspicion, he was stopped and on asking, he disclosed his name as Sukhdev Singh @ Manga. He was suspected to be carrying some contraband in the polythene bag which he was holding and thus, he was given offer to be searched. On conducting search, 567 grams of heroin was recovered from the polythene bag. He failed to produce any licence regarding the possession of the same and thus, on registration of the FIR, he was arrested on the spot. Samples taken were sent to the FSL. On the registration of the FIR, the investigation commenced. During the investigation, he made a disclosure statement about the complicity of the petitioner and co-accused Pawandeep Singh and thus,



they were also arrayed as accused. Resultantly, the petitioner was arrested on 23.07.2024. On completion of the investigation, challan was presented and on framing of charges, trial commenced. The petitioner approached the Court of learned Judge, Special Court, Amritsar 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 13.09.2024. 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 neither the petitioner was named in the FIR, nor any recovery has been effected from him. He submits that the petitioner has been arrayed as accused in the present case on the basis of disclosure statement of the co-accused, which is even not an admissible evidence. He submits that after falsely implicating the petitioner, alleged recovery of cash amounting to Rs.7 lacs had been shown from the petitioner. He submits that in the facts and circumstances of the present case, the petitioners deserves to be granted regular bail.

4. *Per contra*, learned State counsel has vehemently opposed the submissions made by counsel for the petitioner. She has submitted that complicity of the petitioner has been duly proved during the investigation. She submits that in the disclosure statement of the co-accused, the petitioner was arrested and a drug money of Rs.7 lacs was effected recovered from him. She submits that the recovery of contraband effected from the co-accused falls under the commercial quantity and thus, provisions of Section



37 of the NDPS Act are attracted. On instructions, she has submitted that out of 21 prosecution witnesses, no witness has been examined so far. She has placed on record the custody certificate of the petitioner.

6. After hearing counsel for the parties and perusing the record, it is deciphered that the petitioner was arrayed as an accused on the basis of the disclosure statement of the co-accused. Contraband weighing 567 grams of heroin was recovered from the co-accused, whereas, from the petitioner there is recovery of cash of Rs.7 lacs. As submitted before this Court, no witness has been examined, out of 21 prosecution witnesses. The custody certificate would show that the petitioner has suffered incarceration of 01 year & 26 days as on 25.08.2025. It further shows that the petitioner is involved in one more case, however, the same is under not the NDPS Act.

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.



CRM-M-29638-2025

-5-

9. It is being clarified that in case the petitioner does not furnish bail/surety bonds within a period of one week from today, his custody will not be counted in the present case after one week.

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

(RAJESH BHARDWAJ)
JUDGE

26.08.2025

sharmila

Whether Speaking/Reasoned :	Yes/No
Whether Reportable :	Yes/No