

2025:PHHC:094078



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

CRM-M-31424-2025
Date of Decision: 28.07.2025

Sanamdeep Singh ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Shivender Singh, Advocate for
Mr. B.S. Bhalla, Advocate
for the petitioner.

Ms. Simran Gorla, AAG, Punjab.

RAJESH BHARDWAJ, J. (ORAL)

1. Petitioner has approached this Court by way of present 2nd petition praying for granting regular bail in case FIR No.275 dated 24.12.2023 under Sections 21/29 (Section 21-C of the NDPS Act was added later on) of the Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Maqboolpura, District Amritsar.

2. Succinctly, facts of the case are that on 24.12.2023, the police received a secret information to the effect that Jagroop Singh, Harpreet Singh alias Harsh and Sanamdeep Singh (petitioner) are involved in smuggling of heroin. It was informed that they were waiting for someone to supply the consignment of heroin on an Acura bearing registration number PB-02-DW-8197 on the road going towards Shri Chand Gurudwara Sahib. If a raid is conducted, they can be arrested along with the contraband. On receiving the secret information, a raiding party was constituted and reached at the disclosed place where, they were found waiting as informed. They were suspected to be carrying

some contraband. On asking, they disclosed their names as Jagroop Singh, Harpreet Singh alias Harsh and Sanamdeep Singh (petitioner). Police party conducted their search and upon search of Jagroop Singh 260 grams of heroin was recovered whereas from co-accused Harpreet Singh alias Harsh 290 grams of heroin was recovered. The petitioner was also driving the said Activa, however, from him no contraband was recovered. They failed to produce any licence regarding possession of the same. Hence, they were arrested on the spot and on registration of the FIR, the investigation commenced and recovered substance was sent to the FSL lab and the challan was presented. On framing of charges, the trial commenced. The petitioner approached the Court of Ld. 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 11.03.2024. Hence, the petitioner has approached this Court praying for grant of bail by way of filing the present petition.

3. It has been contended by learned counsel for the petitioner that the petitioner has been roped in the present case on the basis of the secret information, however, there is violation of Section 42 of the NDPS Act. He submits that there is violation of Section 50 of the NDPS Act as well in carrying out the search. He submits that even otherwise as per case of the prosecution the alleged recovery of heroin was effected from the co-accused and not from the petitioner. The petitioner had been implicated in this case only on the allegation that he was along with the co-accused. He submits that though the petitioner has been alleged to be involved in smuggling of heroin as per the secret information, however, he has no criminal antecedents. He has never been involved in any other case except the present case. It is submitted that the petitioner has completed incarceration of more than one year, but the prosecution is intentionally delaying the trial by not producing its witnesses. He, thus, submits that in view of the facts

and circumstances of the case, the petitioner deserves to be granted bail.

4. Per contra, learned State counsel has opposed the submissions made by counsel for the petitioner. She submits that there is specific information about the petitioner along with two co-accused and they were arrested on the spot, who were going on Aactiva. Recovery was effected from the two co-accused, but the petitioner was also along with them. She submits that total recovery effected is of 550 grams, which falls under the commercial quantity and hence, provisions of Section 37 of the NDPS Act are attracted. It is submitted that out of total 23 prosecution witnesses, none of the witnesses has been examined so far. 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 present FIR has been lodged on the basis of the secret information. Recovery allegedly was effected from the two co-accused and not from the petitioner. Out of total 23 prosecution witnesses, no witness has been examined till date. The custody certificate would reflect that the petitioner has suffered incarceration of 01 year, 06 months & 26 days as on 25.07.2025. It further reflects that the petitioner has no criminal antecedents.

6. As per law settled, speedy trial is the right of every accused. The Hon'ble Supreme Court in ***Ashim @ Asim Kumar Haranath Bhattacharya @ Asim Harinath Bhattacharya @ Aseem Kumar Bhattacharya Vs. National Investigation Agency, 2022(1) SCC 695*** has held as under:

“Deprivation of personal liberty without ensuring speedy trial is not consistent with Article 21 of the Constitution of India. While deprivation of personal liberty for some period may not be avoidable, period of deprivation pending trial/appeal cannot be unduly long. At the same time, timely delivery of justice is part of human rights and denial of speedy justice is a threat to public confidence in the administration of justice.”

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 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.

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.

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

28.07.2025
Parveen kumar

(RAJESH BHARDWAJ)
JUDGE

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