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

CRM-M No.35136 of 2025 (O&M)

Date of Decision: 23.09.2025

Harpreet Singh @ Happy**.....Petitioner**

versus

State of Punjab**..... Respondent****CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ**

Present :- Mr. R. S. Randhawa, Advocate;
Mr. Lachhman Singh, Advocate and
Mr. Swayam Bansal, Advocate
for the petitioner.

Mr. Raj Karan Singh, Asstt. A.G., Punjab.

RAJESH BHARDWAJ, J. (Oral)

1. Present second petition has been filed praying for the grant of regular bail to the petitioner in case bearing FIR No.46, dated 15.03.2024, under Sections 21, 22(C), 27 of NDPS Act, 1985, registered at Police Station STF, Sector 79, Sohana, District SAS Nagar (Mohali).

2. Succinctly the facts of the case are that the police party, while on patrolling on 15.03.2024, received a secret information to the effect that Harpreet Singh @ Happy (petitioner) was involved in the business of selling heroin and intoxicant pills. It was informed that he would be travelling on his motorcycle bearing registration No.PB-03-BG-6533 to sell the same to his customers in Maur Mandi and in case of raid, he could be apprehended along with the contraband. On receiving the secret



information, the raiding party was constituted and it reached the place as disclosed in the secret information. A motorcycle, as informed in the secret information, was seen coming and the same was stopped. A person, who is riding the motorcycle, disclosed his name as Harpreet Singh @ Happy (petitioner). He was suspected to be carrying some contraband and thus on giving the offer, his search was conducted. On conducting the search, a packet was seen kept on the fuel tank of the motorcycle and on the search of the same, 1500 intoxicant tablets were recovered. He failed to produce any licence regarding the conscious possession of the same and thus, the FIR was registered and he was arrested on the spot. The samples taken were sent to the FSL. On receipt of the FSL, the challan was presented and on framing of charges, the trial commenced. The petitioner approached the Court of learned Additional Sessions Judge, Bathinda praying for grant of bail, however, after hearing both the sides and finding no merit in the same, the learned Additional Sessions Judge, Bathinda declined the bail application filed by the petitioner vide order dated 21.11.2024. Being aggrieved, the petitioner earlier approached this Court by way of filing CRM-M-64745-2024 praying for the grant of bail, however the same was dismissed as withdrawn vide order dated 11.02.2025. Hence being aggrieved, the petitioner is again before this Court praying for the grant of bail by way of filing the present second petition.

3. Learned counsel for the petitioner has vehemently contended that the petitioner has been falsely and frivolously implicated in the present case. He has submitted that the case of prosecution is based on the secret information, however there is a blatant violation of mandatory



provisions of Section 42 of NDPS Act. He has submitted that though the alleged recovery has been effected from the public place, however there is no independent witness has been joined. He has submitted that there is a violation of mandatory provisions of Section 50 of NDPS Act as well. To buttress his arguments, learned counsel for the petitioner has submitted that there is a material discrepancy in the contraband shown to have been recovered in the recovery memo and the contraband which has been sent to the FSL. He has submitted that the petitioner has never been involved in any other case of the similar nature, though he has been prosecuted in one more case under Section 379-B of IPC, however he is on bail in that case. He has submitted that the petitioner is behind bars from last more than 1½ years, however there is no progress in the trial. He has submitted that in the facts and circumstances, the petitioner deserves to be granted regular bail.

4. Short reply dated 22.09.2025 by way of an affidavit of Raj Kumar, PPS, Deputy Superintendent of Police, Anti Narcotics Task Force, Bathinda Range, on behalf of the respondent-State has been filed by learned State counsel today in the Court and the same is taken on record. Copy thereof has been supplied to learned counsel for the petitioner.

5. *Per contra*, learned State counsel has opposed the submissions made by counsel for the petitioner. He has submitted that a specific secret information was received about the petitioner and thus, the recovery was effected on due compliance of NDPS Act. He has submitted that as per the FSL report, the contraband, i.e. Aplrazolam, weighed 180.9 grams was recovered, which is commercial in nature and thus, the provisions of Section 37 of NDPS Act are attracted. He, on instructions,



has submitted that out of total 17 prosecution witnesses, 15 witnesses still remain to be examined. He has produced custody custody certificate of the petitioner today in the Court and the same is taken on record.

6. Heard.

7 On hearing learned counsel for the parties and perusing the record, it is deciphered that the case is based on secret information. The petitioner is behind bars since 15.03.2024. The recovery effected from the petitioner is 180.9 grams of Alprazolam, which is a commercial quantity. Custody certificate produced would show that the petitioner has completed incarceration of 01 year, 06 months and 04 days as on 22.09.2025. It further reflects that the petitioner is involved in one more case under Section 379-B of IPC, however he is on bail in that case. Out of total 17 prosecution witnesses, 15 witness still remain to be examined.

8. 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.”*

9. 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. The trial of the case will take sufficiently long time.

10. Thus, keeping in view the overall facts and circumstances of the case, this Court is of the opinion that learned counsel for the petitioner



succeeds in making out a case for grant of regular bail. Accordingly, the present petition is allowed. 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. Pending application bearing CRM-25490-2025, also stands disposed of as having been rendered infructuous.

23.09.2025

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Whether speaking/reasoned
Whether reportable

(RAJESH BHARDWAJ)
JUDGE

: Yes/No
: Yes/No