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

**CRM-M No.33624 of 2025
Date of Decision: 11.11.2025**

Sajanpreet Singh @ Kala**..... Petitioner****Versus****State of Punjab****..... Respondent****CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ**

Present: Mr. Rishu Mahajan, Advocate
for the petitioner.

Ms. Alisha Soni, AAG, Punjab

RAJESH BHARDWAJ, J. (ORAL)

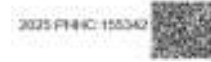
1. Present petition has been filed praying for the grant of regular bail to the petitioner in case bearing FIR No.30, dated 09.02.2024, under Section 21-C, 25 & 29 of NDPS Act, registered at Police Station Jandiala, STF Wing, District Amritsar.

2. Succinctly the facts of the case are that the police party, while on patrolling on 09.02.2024, received a secret information to the effect that Sajanpreet Singh @ Kala (petitioner) was involved in selling of heroin. It was informed that he was standing near the minor bridge at Radha Swami Satsang Ghar, Tarn Taran road, Jandiala Guru 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 young man as disclosed in the secret information was seen standing. On seeing the police, he got



perplexed and tried to escape from the spot. However, on suspicion, he was apprehended and on asking, he disclosed his name to be Sajanpreet Singh @ Kala. He was suspected to be carrying some contraband and thus, his search was conducted. On conducting his search, a polythene bag from the pocket of his trouser was recovered. On conducting the search of polythene bag, the contraband, i.e. heroin was recovered and on weighing, the same was found to be 700 grams. 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. On registration of the FIR, the investigation commenced. The samples taken were sent to the FSL and on receipt of FSL report, the challan was presented and on framing of charges, the trial commenced. The petitioner approached the Court of learned Judge, Special Court, Amritsar praying for the grant of bail, however after hearing both the sides and finding no merit in the same, the learned Judge, Special Court, Amritsar declined the bail application filed by the petitioner vide order dated 14.05.2024. Hence being aggrieved, the petitioner is before this Court by way of filing the present petition praying for the grant of bail.

3. Learned counsel for the petitioner has submitted that the petitioner has been falsely implicated in the present case. He has submitted that the FIR has been registered on the basis of secret information but there is a violation of mandatory provisions of Section 42 of NDPS Act. He has submitted that admittedly the search of the person of petitioner has been conducted as the alleged recovery has been effected from the right pocket of his trouser but there is a violation of mandatory provisions of Section 50 of NDPS Act. He has submitted that no independent witness has been joined. He has submitted that the petitioner



is behind bars since the date of his arrest, i.e. 09.02.2024, however till date, the prosecution has not been able to examine even a single witness. He has submitted that though the petitioner has been falsely implicated in 03 other cases, however he is on bail in those cases. He has submitted that in the facts and circumstances of the case, the petitioner deserves to be granted bail.

4. Learned counsel for the State has vehemently opposed the submissions made by learned counsel for the petitioner. She has submitted that the petitioner was specifically named in the FIR. She has submitted that the recovery effected from the petitioner is 700 grams of heroin, which is a commercial quantity and thus, the provisions of Section 37 of NDPS Act are attracted. She, on instructions, has submitted that out of total 12 prosecution witnesses, no witness has been examined so far. She has submitted that the petitioner is involved in other cases as well. She has produced custody certificate of the petitioner today in the Court and the same is taken on record.

5. Heard.

6. On hearing learned counsel for the parties and perusing the record, it is deciphered that the alleged recovery of 700 grams of heroin has been effected from the petitioner from his personal search, which is commercial in nature. The petitioner is behind bars since the date of his arrest, i.e. 09.02.2024. Custody certificate produced would show that the petitioner has suffered incarceration of 01 year, 08 months and 27 days on the 10.11.2025. It further reflects that the petitioner is involved in 03 other cases, however as submitted by learned counsel for the petitioner before this Court, he is on bail in those cases. 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.

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

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. Keeping in view the arguments raised by both the sides and perusing the record, the Court is of the opinion that learned counsel for the petitioner succeeds in making out a case for the grant of bail.
10. 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. However, if the petitioner does not furnish the bail bonds within seven days from today, then his further custody period after one week will not be counted in this case.

(RAJESH BHARDWAJ)
JUDGE

11.11.2025

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