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

**CRM-M No.33956 of 2025
Date of decision: 29.10.2025**

Sukhbir Singh @ Bittu**..... Petitioner****versus****State of Punjab****..... Respondent****CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ**

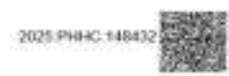
Present :- Mr. Ravi Mehra, Advocate
for the petitioner.

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

RAJESH BHARDWAJ, J. (Oral)

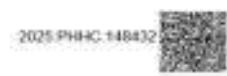
1. Present petition has been filed praying for the grant of regular bail to the petitioner in case bearing FIR No.133, dated 16.10.2024, under Sections 21(b), 29, 21(C), 61, 85 of Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Sultanwind, District Amritsar.

2. Succinctly the facts of the case are that the Police party, while on patrolling on 16.10.2024, saw three persons coming on a motorcycle and out of them one was woman. On seeing the police, they got perplexed and the person sitting behind the driver of the motorcycle handed over one envelope to the woman sitting behind him, who tried to throw the same. However, they were apprehended and on asking, driver of the motorcycle disclosed his name to be Arjinder Singh @ Jinder, the second person sitting behind the driver of motorcycle, disclosed his name as Sukhbir



Singh @ Bittu (petitioner) and the woman sitting behind him, disclosed her name as Sarabjit Kaur. They were suspected to be carrying some contraband and thus, the search was conducted. On conducting the search, 200 grams of heroin was recovered. They failed to produce any license regarding the conscious possession of the same and hence, the FIR was registered and all were arrested on the spot. On registration of the FIR, the investigation commenced. The samples taken were sent to the FSL. On completion of the investigation, 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 03.01.2025. Hence being aggrieved, the petitioner is before this Court praying for the grant of bail by way of filing the present petition.

3. Learned counsel for the petitioner has submitted that the petitioner has been falsely implicated in the present case. He has submitted that the petitioner is behind bars since the date of his arrest, i.e. 16.10.2024. He, at the outset, prays for the grant of bail to the petitioner on the basis of parity with that of the co-accused, namely, Arjinder Singh @ Jinder. He has drawn the attention of this Court to the order dated 28.08.2025 passed in CRM-M-46483-2025, whereby the co-accused, namely, Arjinder Singh @ Jinder has been granted regular bail by this Court. He has submitted that the petitioner is not involved in any other case. He has submitted that on the basis of parity, the petitioner deserves to be granted bail as the case of the petitioner is similar to that of the said

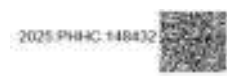


co-accused, who has already been granted bail by this Court.

4. Per contra, learned State counsel has opposed the submissions made by the counsel for the petitioner and has submitted that all the 03 accused, who were riding on the motorcycle were apprehended on the spot and 200 grams of heroin was recovered from them. He has submitted that on their disclosure, complicity of 4th accused, namely, Rajwinder Kaur has been surfaced from whom, another 800 grams of heroin was recovered. He has submitted that the total contraband recovered in the present case is of commercial quantity and thus, the provisions of Section 37 of NDPS Act are attracted. He, on instructions, has submitted that out of total 14 prosecution witnesses, none has been examined so far. He has endorsed the factum of grant of bail to the co-accused of the petitioner as stated above and has not denied that the petitioner is at par with the co-accused, namely, Arjinder Singh @ Jinder, who has already been granted bail by this Court vide order dated 28.08.2025.

5. The Court has heard learned counsel for the parties and perused the record with their able assistance.

6. On hearing learned counsel for the parties and perusing the record, it is deciphered that the petitioner was arrested on 16.10.2024. The recovery effected from the spot is 200 grams of heroin, which is a non-commercial quantity. However, another 800 grams of heroin was recovered thereafter from 4th accused, namely, Rajwinder Kaur and thus, the total recovery effected in the present case is of commercial quantity. As submitted before this Court, out of total 14 prosecution witnesses, none has been examined so far. As submitted by learned counsel for the



petitioner, the petitioner is not involved in any other case and the petitioner has suffered incarceration of 01 year and 13 days as on 29.10.2025. Co-accused, namely, Arjinder Singh @ Jinder is on bail and case of the petitioner as stated above is at par with 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:-

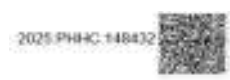
19. A plain and literal interpretation of the conditions under Section 37 (i.e., that Court should be satisfied that the accused is not guilty and would not commit any offence) would effectively exclude grant of bail altogether, resulting in punitive detention and unsanctioned preventive detention as 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.

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 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 on parity.
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.

29.10.2025

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

(RAJESH BHARDWAJ)
JUDGE