

CRM-M-34974-2025

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

1) CRM-M-34974-2025
Date of decision: 11.12.2025

**GAGANDEEP SINGH @
GAGNA**

...PETITIONER

VERSUS**STATE OF PUNJAB**

...RESPONDENT

2)

CRM-M-36471-2025

AMANDEEP SINGH

...PETITIONER

VERSUS**STATE OF PUNJAB**

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Karanjeet Singh Brar, Advocate
for the petitioner in CRM-M-34974-2025.

Mr. Sandeep Kumar Passi, Advocate
for the petitioner in CRM-M-36471-2025.

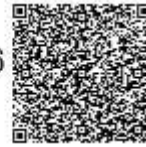
Ms. Simran Gorla, AAG, Punjab.

RAJESH BHARDWAJ, J. (ORAL)

1. In the above mentioned petitions common question of law and facts are involved, so both the petitions are being disposed of by a common judgment. For brevity, facts are being taken from CRM-M-34974-2025 titled as "*Gagandeep Singh @ Gagna Versus State of Punjab.*"

2. Petitioner(s) have approached by way of filing the present petition praying for grant of regular bail in case bearing FIR No.0126 dated 10.10.2024 under Sections 21 (c) of NDPS Act, registered at Police Station Nehianwala, District Bathinda.

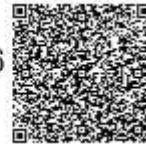
3. Succinctly, the facts of the case are that the police party, while on

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patrolling on 10.10.2024, when they reached village Bhokhra, they saw three young men sitting at the bus stand holding a white cloth bag in their hands. A battery powered scooter without number plate was also parked near them. On suspicion, all the three were apprehended. On asking, they disclosed their name to be Jagjit Singh @ Kulvir Singh @ Jaggu, Gagandeep Singh @ Gagna (petitioner in CRM-M-34974-2025) and Amandeep Singh (petitioner in CRM-M-36471-2025). They were suspected to be carrying some contraband in the bag they were holding. Thus, on giving the offer, the same was searched. On conducting the search, 514 grams of heroin was recovered. All of the accused persons failed to produce any license regarding the possession of the same. Thus, FIR got registered and all were arrested on the spot. After registration of FIR, investigation commenced. The samples taken were sent to the FSL. On completion of the investigation, the challan was presented and charges were framed and trial commenced. Petitioner(s) approached the learned Judge Special Court, Tarn Taran for grant of bail. However, after hearing both the sides and finding no merit in the same, the learned Judge Special Court, Bathinda declined the bail applications vide order dated 05.04.2025 and 21.03.2025, respectively. Aggrieved by the same, petitioner(s) are before this Court praying for the grant of bail by way of filing the present petitions.

4. Learned counsel for the petitioner(s) have vehemently contended that petitioner(s) have been falsely implicated in the present case. They further submit the alleged recovery has been effected from a public place, however, no independent witness has been joined and there is a violation of the provisions of Section 50 of NDPS Act. They further submit that the case made

by the prosecution is that all three were holding one bag from which 514

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grams of heroin was recovered. However, no conscious possession has been proved. They further submit that the petitioner(s) have no criminal antecedents as they are never involved in any other case of similar nature. The petitioner(s) are behind bars since 10.10.2024. They further submit that in the facts and circumstances, the petitioner(s) deserve to be granted regular bail.

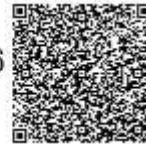
5. Status report by way of affidavit of Pritpal Singh, PPS, Deputy Superintendent of Police, Bhucho, Bathinda on behalf of the respondent-State has been filed in Court today and the same is taken on record. Copy thereof has been supplied to the counsel opposite.

6. *Per contra*, learned State counsel has opposed the submissions made by counsel for the petitioner. She submits that the recovery of 514 grams of Heroin was effected from the petitioner(s) which falls within the category of commercial quantity and thus, the provision of Section 37 of NDPS Act are attracted. On instructions, she submits that out of total 31 prosecution witnesses, only 01 has been examined so far. She has produced custody certificate of the petitioner(s) today in the Court and the same are taken on record.

7. Heard.

8. On hearing learned counsel for the parties and perusing the record, it is deciphered that the recovery in the present case has been made from a public place. The recovery is from the bag which is allegedly having been held by all the three persons. Custody certificate produced would show that both the petitioner(s) have completed incarceration of more than 01 year, 01 months and 24 days as on 10.12.2025. Petitioner, namely, Amandeep Singh is not involved in any other case whereas petitioner, namely, Gagandeep Singh

@ Gagna is involved in 01 more case, however, he is on bail in that case.



9. 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(s) are 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:-

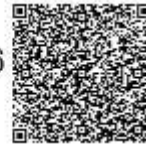
19. A plain and literal interpretation of the conditions under Section 37 (i.e., that Court should be satisfied that the accused is not guilty and would not commit any offence) would effectively exclude grant of bail altogether, resulting in punitive detention and unsanctioned preventive detention as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



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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.”

10. 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.

11. Thus, keeping in view the overall facts and circumstances of the case, this Court is of the opinion that learned counsel for the petitioner(s) succeed in making out a case for grant of regular bail. Accordingly, the present petition(s) are allowed. Petitioner(s) are 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.

11.12.2025
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(RAJESH BHARDWAJ)
JUDGE

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