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CRM-M-57583-2025

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**238+258 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

1) **CRM-M-36262-2025**
Date of decision: 20.11.2025

AJAY PAL SINGH **...PETITIONER**

VERSUS

STATE OF PUNJAB **...RESPONDENT**

2) **CRM-M-57583-2025**

JUGRAJ SINGH **...PETITIONER**

VERSUS

STATE OF PUNJAB **...RESPONDENT**

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Amit Arora, Advocate
for the petitioner in CRM-M-36262-2025.

Mr. Rakesh Kumar, Advocate
for the petitioner in CRM-M-57583-2025.

Mr. Raj Karan Singh, AAG, Punjab.

RAJESH BHARDWAJ, J. (ORAL)

1. Petitioners have approached by way of filing the present petitions praying for grant of regular bail in case FIR No.16 dated 19.02.2025 under Section 22 of NDPS Act, 1985 (offence under Section 29 of NDPS Act, 1985 added later on) registered at Police Station Khalra, District Tarn Taran.

2. Succinctly the facts of the case are that the police while patrolling on 19.02.2025, reached on the Defence Drain at village Wa Tara Singh. They saw two young persons coming on foot. On seeing the police. They got perplexed and turned back. Both of them took out one packet each from their trousers and threw

it on the ground. On suspicion both of them were apprehended, on asking, they

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disclosed their name to be Ajay Pal Singh-petitioner in CRM-M-36262-2025 and Jugraj Singh-petitioner in CRM-M-57583-2025. They were suspected to be carrying some contraband in the plastic bags having been thrown by them. Thus, the plastic bag, was thrown by Ajay Pal Singh was searched and it found to be containing 280 loose intoxicant tablets. The envelop thrown by Jugraj Singh was also searched which found to be containing 378 intoxicant loose tablets. Both of them failed to produce any license regarding the possession of the same. Thus, FIR was got registered and both were arrested on the spot and investigation commenced. On receipt of the FSL, the intoxicant tablets recovered from Ajay Pal found to be weighing 133 grams of Tramadol Hydrochloride and that from Jugraj Singh found to be weighing 179.928 grams of Tramadol Hydrochloride. On completion of the investigation, the challan was presented, charges have been framed and trial has 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, Tarn Taran declined the bail applications vide order dated 24.04.2025 and 01.09.2025 respectively. Aggrieved by the same, petitioner(s) are before this Court praying for the grant of bail by way of filing the present petitions.

3. Learned counsel for the petitioner(s) have vehemently contended that the petitioner(s) have been falsely implicated in the present case. They further submit that though the alleged recovery has been effected from the public place. However, no independent witness has been joined. They further submit that the search was conducted in violation of Section 50 of the NDPS Act. He argues that the contraband allegedly recovered from each petitioner falls within the non-commercial category, as the quantity in each case is below 250 grams. They



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further submit that the combining of the contraband recovered from both the petitioners, the same becomes a commercial quantity. However, the same cannot be clubbed as the recovery has been effected from both individual. They have placed reliance on the law laid down by this Court in **CRM-M-36755-2022** titled as **Avtar Singh Sangha Versus State of Punjab** decided on **05.09.2022**, **CRM-M-33684 and CRM-M-37257-2020** titled as **Amit @ Dhanak and others Versus State of Haryana** decided on 11.01.2021 and judgment of the Hon'ble Supreme Court in **Crl. Appeal No.1218 of 2008** titled as **Amarsingh Ramjibhai Barot Versus State of Gujarat 2005 AIR (SCW)5075**. They further submit that the petitioner(s) are behind bars since 19.02.2025. However, there is no material progress in the trial. Learned counsel for the petitioner-Jugraj Singh submits that petitioner has no criminal antecedents as he has never been involved in the other case. So far, learned counsel for the petitioner-Ajay Pal submits that petitioner has been prosecuted in 03 other cases and he is on bail in those cases. They further submit that in the facts and circumstances, the petitioner(s) deserve to be granted regular bail.

4. *Per contra*, learned State counsel has opposed the submissions made by counsel for the petitioner. He submits that the both the accused were arrested on the spot and upon conducting the search, 133 grams of Tramadol Hydrochloride was recovered from petitioner Ajay Pal Singh, while 179.928 grams of Tramadol Hydrochloride was recovered from petitioner Jugraj Singh. He further contends that the total contraband recovered i.e. 312.92 grams of Tramadol Hydrochloride which is a commercial quantity, thus attracting the rigours of Section 37 of the NDPS Act. On instructions, he submits that out of 9 prosecution witnesses, none has been examined so far. He has produced custody



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certificates of both the petitioner(s) today in the Court and the same are taken on record.

5. Heard.

6. On hearing learned counsel for the parties and perusing the record, it is deciphered that the recovery in the present case was effected by the Investigating Agency from the envelopes thrown by both the petitioner(s) from their respective pockets. The recovery effected from both of them is 312.92 grams of Tramadol Hydrochloride. The individual recoveries are non-commercial in nature whether they can be clubbed or not would be a matter of trial. Custody certificates produced would show that the petitioner(s) have completed incarceration of 08 months and 28 days as on 19.11.2025. Although, petitioner-Jugraj Singh is not involved in any other case, whereas petitioner-Ajay Pal Singh is involved in 03 other cases but he is on bail in two cases. Out of 9 prosecution witnesses, none has been examined so far.

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. xxxxxx

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. xxxxxx

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

9. 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 petitions are allowed. Petitioner(s) are ordered to be released on bail on their furnishing bail/surety bonds to the satisfaction of the concerned Trial Court/Duty



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

10. In case the bail bonds are not furnished by the petitioner-Ajay Pal Singh in CRM-M-36262-2025 during the period of 07 days from today, then his further custody period after one week will not be counted in the present case.

20.11.2025
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**(RAJESH BHARDWAJ)
JUDGE**

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