



CRM-M-36707-2025

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

CRM-M-36707-2025

Date of Decision: 11.08.2025

Chaindeep Singh

..... Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Arnav Ghai, Advocate, Advocate, for the petitioner.

Ms. Simran Gorla, AAG, Punjab.

Rajesh Bhardwaj, J. (ORAL)

1. Petitioner has approached by way of filing the present second petition praying for grant of regular bail in case FIR No.288 dated 21.09.2024 under Sections 22/61/85 of NDPS, 1985 (offence under Section 29 of NDPS Act added lateron), registered at Police Station City Hoshiarpur, District Hoshiarpur.

2. Succinctly, facts of the case are that on 21.09.2024, the police party received a secret information to the effect that Ajay Walia son of Varinder Walia is involved in selling intoxicating tablets. It was informed that in case of raid, he could be arrested alongwith the contraband.s On receiving the secret information, a raiding team was constituted and raid was conducted in the shop of Ajay Walia. On conducting the search, the police recovered 2400 capsules of Proxyco-Spas, 5000 tablets of Tramadol, 12000 tablets of Alprazolam alongwith Rs.5 lacs as drug money. He failed to produce the licence regarding the possession of the same and thus, he was arrested on the spot. On the registration of the FIR, the investigation commenced. During the investigation, he made a disclosure statement on 23.09.2024 about the involvement of Chaindeep Singh (petitioner) that he used to purchase the intoxicating tablets from the petitioner. Thus, the



petitioner was arrayed as an accused and resultantly, he was arrested on 25.09.2024. On the completion of the investigation, the Investigation Agency filed the challan and on framing the charges, the trial commenced. The petitioner approached the Court of learned Judge Special Court, Hoshiarpur praying for grant of regular bail. However, after hearing both the sides, the learned Court finding no merit in the same, dismissed the bail application filed by the petitioner vide order dated 11.12.2024. The petitioner earlier approached this Court praying for grant of regular bail by way of filing CRM-M-1843-2025, however, the same was dismissed as withdrawn vide order dated 20.01.2025. Hence, the petitioner has again approached this Court praying for grant of regular bail by way of filing the present second petition.

3. It has been vehemently contended by learned counsel for the petitioner that the petitioner has been falsely implicated in the present case only on the basis of disclosure statement of co-accused Ajay Walia, from whom the recovery has been effected. He submits that even otherwise the disclosure statement of the co-accused is not an admissible evidence. He submits that the petitioner is behind bars since the date of his arrest. He submits that when the petitioner was in custody, he has been implicated in one more case i.e. FIR No.256 dated 01.11.2024. He submits that in the facts and circumstances of the case, false implication of the petitioner is writ large. He, thus, submits that the petitioner deserves the concession of regular bail.

4. Per contra, learned State counsel has vehemently opposed the submissions made by counsel for the petitioner. She has submitted that from



the co-accused a heavy commercial quantity of Tramadol was effected and thus, provisions of Section 37 of the NDPS Act are attracted. She has submitted that complicity of the petitioner was surfaced during the investigation, wherein, he was found to be the supplier. On instructions, she has submitted that out of 20 prosecution witnesses, no witness been examined till date. She has placed on record the custody certificate of the petitioner.

5. After hearing counsel for the parties and perusing the record, it is inferred that the petitioner has been named in the present case on the basis of disclosure statement dated 23.09.2024 made by co-accused. Custody certificate of the petitioner would show that the petitioner has suffered incarceration of 10 months & 11 days as on 08.08.2025. It further reveals that the petitioner is involved in one more case, however, the same has been registered when the petitioner was admittedly behind the bars. Out of total 20 prosecution witnesses, no witness has been examined till date.

6. 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.

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21it 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.

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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.’

7. 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. This Court would refrain itself from commenting anything on the merits of the case. The trial of the case will take sufficient long time. Keeping in view the arguments raised by both the sides and perusing the record, this Court is of the opinion that learned counsel for the petitioner succeeds in making out a case for grant of regular bail to the petitioner.

8. 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.
9. It is being clarified that in case the petitioner does not furnish bail/surety bonds within a period of one week from today, his custody will not be counted in the present case after one week.
10. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

11.08.2025

sharmila

(RAJESH BHARDWAJ)

JUDGE

Whether Speaking/Reasoned :

Whether Reportable :

Yes/No

Yes/No