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

**CRM-M No.37019 of 2025 (O&M)
Date of Decision: 20.11.2025**

Karnail Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Saksham Dudeja, Advocate
for the petitioner.

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

RAJESH BHARDWAJ, J. (ORAL)

CRM-41767-2025

Allowed as prayed for. Documents, Annexures P-4 and P-5
are ordered to be taken on record.

CRM-M-37019-2025

1. Present second petition has been filed praying for the grant of regular bail to the petitioner in case bearing FIR No.44, dated 20.03.2024, under Section 22, 25 & 61 of NDPS Act, registered at Police Station Sidhwan Bet, District Ludhiana, Punjab.
2. Succinctly the facts of the case are that the police party, while on patrolling on 20.03.2024, received a secret information to the effect that Karnail Singh and Harbans Singh were involved in selling the



intoxicant tablets. It was informed that they would come on their motorcycle bearing registration No.PB-08-EK-7730 from Gag Kalan to Sidhwan Bet area and in case of barricading, they could be apprehended along with the contraband. On receiving the secret information, the police laid the barricading at the place as disclosed in the secret information. The motorcycle as disclosed was seen coming on which 02 persons were riding and an envelope was hanging on the motorcycle. Both of them, on suspicion, were stopped by the police party. On asking, they disclosed their names to be Karnail Singh (petitioner) and Harbans Singh. They were suspected to be carrying some contraband in the bag, thus the search was conducted. On conducting the search of the bag, 1990 intoxicant tablets were recovered. They failed to produce any licence regarding the conscious possession of the same, thus the FIR was registered and both were arrested on the spot. On registration of the FIR, the investigation commenced. The samples taken were sent to the FSL. After registration of the FIR, co-accused, namely, Harbans Singh expired. The petitioner approached the Court of learned Judge, Special Court, Ludhiana praying for the grant of bail, however after hearing both the sides and finding no merit in the same, the learned Judge, Special Court, Ludhiana declined the bail application filed by the petitioner vide order dated 25.09.2024. Being aggrieved, the petitioner earlier approached this Court praying for the grant of bail by way of filing CRM-M-52589-2024, however the same was dismissed as not pressed vide order dated 19.03.2025. Hence being aggrieved, the petitioner is again before this Court by way of filing the present second 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 though the FIR has been registered on the basis of secret information, however, there is a violation of mandatory provisions of Section 42 of NDPS Act. He has submitted that the recovery has been effected from the public place, however, no independent witness has been joined. He has submitted that there is a violation of mandatory provisions of Section 50 of NDPS Act as well in conducting the search. He has submitted that the petitioner has no criminal antecedents as he has never been involved in any other case. He has submitted that the petitioner is behind bars from last more than 1½ years, however there is no progress in the trial and thus, his right of speedy trial is miserably defeated. He has submitted that false implication of the petitioner is writ large. 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. He has submitted that the petitioner and co-accused were specifically named in the secret information. He has submitted that though the co-accused had died during the trial. He has submitted that as per the FSI, the contraband recovered was found to be 724.36 grams of Tramadol, which is a commercial quantity and thus, the provisions of Section 37 of NDPS Act are attracted. He, on instructions, has submitted that out of total 13 prosecution witnesses, no witness has been examined so far. He 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 petitioner was arrested on the spot on 20.03.2024. The alleged recovery of 724.36 grams of Tramadol has been effected in the present case, which is commercial in nature. Custody certificate produced would show that the petitioner has suffered incarceration of 01 year, 07 months and 28 days on the 19.11.2025. It further reflects that the petitioner is not involved in any other case. Out of 13 prosecution witnesses, no witness has been examined so far. Co-accused, Harbans Singh has died during the trial. 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.

(RAJESH BHARDWAJ)
JUDGE

20.11.2025

<i>rittu</i>	Whether speaking/reasoned	:	Yes/No
	Whether reportable	:	Yes/No