



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-39896-2025

Gurmit Singh @ Gurmeet Singh

....Petitioner

versus

State of Punjab

.... Respondent

CRM-M-61586-2025

Gurmit Singh

....Petitioner

versus

State of Punjab

....Respondent

Date of decision: 10.11.2025

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Laghuinder Singh Sekhon, Advocate
Mr. Rakesh Kumar Kachura, Advocate
for the petitioner(s).

Mr. Raj Karan Singh, AAG, Punjab.

RAJESH BHARDWAJ, J. (Oral)

1. By way of this common order, this Court intend to dispose of abovesaid two petitions as they have arisen out of the same FIR.
2. Petitioners have approached this Court by way of filing the present third petitions praying for grant of regular bail to them in case FIR No.73 dated 20.12.2024, under Sections 15, 25 and 29 of the NDPS Act, 1985, registered at Police Station Fatehgarh Panjtoor, District Moga.
3. Succinctly, facts of the case are that the police while on patrolling on 20.12.2024, received a secret information to the effect that Gurmeet Singh son of Gurmej Singh was involved in selling poppy husk. It was informed that he was waiting for his customers on his White coloured Activa Scooty bearing No.PB-05-AS-0655 on the boundary of river near

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Bhaini Mandi and if the raid is conducted, he could be arrested along with the contraband. On receiving the secret information, raiding party reached the place at disclosed. A person along with Scooty was found present. He was having three bags with him. He was suspected to be carrying some contraband and thus, was apprehended. On asking, he disclosed his name to be Gurmeet Singh son of Gurmej Singh. On search of the three bags, 54 kg poppy husk was recovered from him. He failed to produce any license regarding the possession of the same. Thus, he was arrested on the spot. The investigation commenced and the samples taken were sent to the FSL. During investigation, the investigating agencies verified regarding the ownership of the Scooty which was found to be owned by Gurmit Singh son of Vazir Singh (petitioner in CRM-M-61586-2025) and thus, he was also arrayed as an accused and was arrested on 18.06.2025. They approached the Court of learned Judge, Special Court, Moga praying for grant of bail however, after hearing counsel for the parties, learned Judge, Special Court declined the same vide orders dated 10.07.2025 and 13.10.2025 respectively. Hence, being aggrieved, petitioners are before this Court by way of filing the present petitions praying for grant of regular bail.

4. It has been submitted by counsel for the petitioners that the petitioners have been falsely implicated in the present case. It is submitted that the FIR in the present case has been lodged on the basis of secret information however, there is a violation of provisions of Section 42 of the NDPS Act. It is further submitted that there is violation of provisions of Section 50 of the NDPS Act as well. It is submitted that the alleged recovery is from the three bags when the petitioner-Gurmit Singh son of Gurmej Singh was present on the Scooty. He submits that same is highly improbable.

Learned counsel for petitioner-Gurmit Singh son of Vazir Singh submits that

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Gurmit Singh son of Vazir Singh was not even named in the FIR however, he has been arrayed as an accused on the basis of investigation that he was the owner of the Scooty. It is submitted that the quantity upto 50 kg is non-commercial quantity whereas, the alleged recovery from petitioner-Gurmit Singh son of Gurmej Singh is 54 kg of poppy husk. It is submitted that though petitioner-Gurmit Singh son of Vazir Singh is not involved in any other case whereas, petitioner-Gurmit Singh son of Gurmej Singh is involved in one other case however, he is on bail in that case.

5. Learned State counsel however has opposed the submissions made by counsel for the petitioners. He submits that petitioner-Gurmit Singh son of Gurmej Singh was specifically named in the FIR. The recovery effected is 54 kg of poppy husk which is commercial in nature thus, provisions of Section 37 of the NDPS Act are attracted. He submits that during investigation, it has been established that petitioner-Gurmit Singh son of Vazir Singh was the owner of the Scooty. He submits that petitioner-Gurmit Singh son of Gurmej Singh is involved in one other case however, he is on bail in that case. On instructions, he has submitted that challan is presented, charges are framed however, out of 21 prosecution witnesses, none has been examined till date. He has placed on record the custody certificates of the petitioners which show that petitioner-Gurmit Singh son of Gurmej Singh has undergone actual sentence of 06 months and 20 days and petitioner-Gurmit Singh son of Vazir Singh has undergone actual sentence of 04 months and 20 days as on 08.11.2025. It further reflects that though petitioner-Gurmit Singh son of Gurmej Singh is involved in one more case however, he is on bail in that case.

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



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the opinion that the case of the petitioner is covered by the ratio 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.'

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7. After hearing counsel for the parties and perusing the record, it is deciphered that the alleged recovery in the present case is from petitioner-Gurmit Singh son of Gurmej Singh. Recovery of 54 kg of poppy husk has been effected from petitioner-Gurmit Singh son of Gurmej Singh. Petitioner-Gurmit Singh son of Vazir Singh has been arrayed as accused being the owner of the Scooty. Custody certificates filed by the State show that petitioner-Gurmit Singh son of Gurmej Singh has undergone actual sentence of 06 months and 20 days and petitioner-Gurmit Singh son of Vajir Singh has undergone actual sentence of 04 months and 20 days as on 08.11.2025. It further reflects that though petitioner-Gurmit Singh son of Gurmej Singh is involved in one more case however, he is on bail in that case. As submitted, out of 21 prosecution witnesses, none has been examined so far.

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. The trial of the cases will take sufficiently long time. However, keeping in view the overall facts and circumstances of the present cases, this Court is of the opinion that learned counsel for the petitioners succeed in making out a case for grant of regular bail. Accordingly, the present petitions are allowed and the petitioners are ordered to be released on bail on their 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.

10.11.2025
m.sharma

(**RAJESH BHARDWAJ**)
JUDGE

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