

2025:PHHC:161299



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

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CRM-M-41392-2025

Date of decision: 19.11.2025

SATNAM SINGH

..PETITIONER

VS.

STATE OF PUNJAB

..RESPONDENT

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Brijesh Nandan, Advocate for the petitioner.

Mr. Raj Karan Singh, AAG, Punjab.

RAJESH BHARDWAJ, J.(ORAL)

1. Present petition has been filed praying for the grant of regular bail to the petitioner in case bearing FIR No.39, dated 16.03.2024, under Sections 21, 25, 29/61/85 of NDPS Act, 1985, registered at Police Station Lopoke, District Amritsar.
2. Succinctly the facts of the case are that the police party, while on patrolling on 16.03.2024, received a secret information to the effect that Gurpreet Singh and Satnam Singh (petitioner) were involved in drug trafficking. It was informed that both of them would come on their motorcycle and carrying a consignment of heroin for supplying to their customers and in case of barricading near the bridge

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at pond on the way to village Chhidan, they could be apprehended along with the contraband. On receiving the secret information, the raiding party was constituted and the barricading was laid at the place as disclosed in the secret information. 02 persons were seen coming on the motorcycle and thus, both were apprehended. On asking, driver of the motorcycle disclosed his name to be Satnam Singh i.e. the petitioner, whereas the person sitting pillion disclosed his name to be Gurpreet Singh. They were suspected to be carrying some contraband and thus on giving the offer, their search was conducted. On conducting the search of Gurpreet Singh, 600 grams of heroin was recovered from the polythene bag kept in the front pocket of the black hoodie worn by him whereas from the search of Satnam Singh(petitioner), 800 grams of heroin was recovered from the polythene bag kept in the front pocket of the hoodie worn by him. They failed to produce any licence regarding the conscious possession of the same and thus, the FIR was registered and both were arrested on the spot. The samples taken were sent to the FSL. On receipt of the FSL, the challan was presented and on framing of charges, the trial commenced. The petitioner approached the Court of learned Judge, Special Court, Amritsar praying for the grant of bail, however, after hearing both the sides and finding no merit in the same, the learned Judge, Special Court, Amritsar declined the bail application filed by

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the petitioner vide order dated 26.06.2025. Hence being aggrieved, the petitioner is before this Court by way of filing the present petition praying for the grant of bail.

3. Learned counsel for the petitioner, at the outset, prays for the grant of bail to the petitioner on the basis of parity with that of the co-accused, namely, Gurpreet Singh. He has drawn the attention of this Court to the order dated 14.10.2025, passed in **CRM-M-43214-2025**, whereby, co-accused Gurpreet Singh has been granted regular bail by this Court. He submits that the petitioner is behind bars since 16.03.2024. He submits that on the basis of the parity, the petitioner deserves to be granted bail as the case of the petitioner is similar to that of the said co-accused, who has already been granted bail.

4. Learned State counsel has endorsed the factum of grant of bail to the co-accused of the petitioner as stated above and has not denied that the petitioner is at par with the co-accused, namely, Gurpreet Singh. She has submitted that the recovery effected from Gurpreet Singh is 600 grams of heroin and from Satnam Singh (petitioner) is 800 grams of heroin, respectively, and the same is commercial in nature, and thus, the provisions of Section 37 of NDPS Act are attracted. She has produced custody certificate of the petitioner today in the Court and the same is taken on record.



5. After hearing learned counsel for the parties and perusing the record, it is deciphered that the petitioner is behind bars since 16.03.2024. Co-accused, namely, Gurpreet Singh is on bail and the case of the petitioner as stated is at par with him. Custody certificate of the petitioner would reveal that the petitioner has suffered an incarceration of 1 year, 7 months & 30 days as on 18.11.2025. It further reveals that the petitioner is not involved in any other case.

6. 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. As held by the Hon'ble Supreme Court in ***Mohd Muslim @ Hussain Vs. State (NCT of Delhi), 2023 Live Law(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."

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. The trial of the case will take sufficiently long time. This Court would refrain itself from commenting anything on the merits of the case. Keeping in view the arguments raised by both the sides, 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 on the basis of parity. 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.

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

November 19, 2025
Poonam Sharma

(RAJESH BHARDWAJ)
JUDGE

Whether speaking/reasoned Yes/No

Whether Reportable Yes/No