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

CRM-M-40170-2025

Date of decision : 01.08.2025

Sukhmander Singh @ Mander**.....Petitioner****versus****State of Punjab****..... Respondent****CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ**

Present: Mr. P.S. Sekhon, Advocate
for the petitioner.

Ms. Simran Gorla, A.A.G., Punjab.

RAJESH BHARDWAJ, J. (Oral)

1. Present second petition has been filed for grant of regular bail to the petitioner in a case FIR No.160 dated 30.08.2021, registered under Sections 15-B, 22-C and 29 of Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Sangat, District Bathinda.

2. Succinctly, facts of the case are that while patrolling on 30.08.2021, the police party saw one horse tralla bearing No.RJ-07GA-4655 and one Xylo car bearing No.PB-03X-4811, which were parked on the main road. Three person were shifting bags from the horse tralla to the car. On suspicion, the police party proceeded to enquire about their identities. They disclosed their names as Gurpreet Singh @ Pita, Raj Kumar @ Kala and Satniranjan Singh @ Sambhu. They were suspected to be carrying some contraband and, thus, they were given offer to be



searched. On conducting search of the bags, 50,000 tablets of Corlividol-100SR Tramadol, 12,000 tablets of Cloviedol-100SR Tramadol, 4000 tablets of Cloveedol 100SR and 14 Kg of poppy husk were recovered. They failed to produce any licence regarding possession of the said contraband, and accordingly an FIR was registered and all the three were arrested on the spot. Samples were taken and sent to the FSL. On registration of the FIR, investigation commenced. During the course of investigation, the complicity of the petitioner also surfaced on the basis of disclosure statement of co-accused, and he was also arrayed as an accused in the present case. He approached the learned Special Court at Bathinda, praying for the grant of regular bail. However, after hearing both the parties, the same was declined vide order dated 06.09.2024. The petitioner earlier approached this Court by filing of CRM-M-56114-2024, praying for grant of bail, however, the same was declined by this Court vide order dated 07.04.2025. Hence, the petitioner is before this Court by filing the present second petition, praying grant of regular bail.

3. Learned counsel for the petitioner, at the outset, prays for the grant of bail on the basis of parity with that of the co-accused. He has drawn the attention of this Court to the order passed by this Court in **CRM-M-34261-2025** dated 09.07.2025 whereby co-accused of the petitioner, namely, Pritpal Singh, has been granted the concession of bail. He has submitted that case of the petitioner is at par with the co-accused, who has been granted bail by this Court. He submits that on the basis of the parity, petitioner deserves to be granted bail as case of the petitioner is similar to that of the co-accused, who has already been granted bail.



4. Learned counsel for the State has opposed the prayer of the petitioner and submit that a heavy commercial quantity of contraband has been recovered from the co-accused and as per the prosecution, the petitioner was found to be the supplier of the contraband. She further submits that the recovery effected in the present case falls under the category of commercial quantity and thus, provisions of Section 37 of NDPS Act, are attracted in the present case. She endorsed the fact that the case of petitioner is at par with co-accused, namely, Pritpal Singh, who has already been granted bail by this Court. She has placed on record custody certificate of the petitioner today in the Court and the same is taken on record.

5. After hearing counsel for the parties and perusing the record, it is noticed that name of the petitioner surfaced in the present case only on the basis of a disclosure statement of the co-accused. The recovery was effected from the co-accused. Admittedly, co-accused of the petitioner, namely, Pritpal Singh, has already been granted bail by the Court vide order dated 09.07.2025 passed in **CRM-M-34261-2025**. As per the custody certificate, the petitioner has completed the incarceration of 11 months and 16 days as on 31.07.2025.

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 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.*

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.

8. 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 succeed in making out a case for the grant of bail to the petitioner on the basis of parity with the co-accused as stated above. Accordingly, present petition is allowed and 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.

01.08.2025
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(RAJESH BHARDWAJ)
JUDGE

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