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

CRM-M-40853-2025

Date of Decision: 28.11.2025

Mandeep Singh @ Sunny

..... Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Aditya Anand, Advocate, for the petitioner.

Mr.Raj Karan Singh, AAG, Punjab.

Rajesh Bhardwaj, J. (ORAL)

1. Prayer in the present petition is for grant of regular bail to the petitioner in a case FIR No.91 dated 26.06.2024, registered under Sections 21(C), 25, 27-A and 29 of NDPS Act, 1985, at Police Station Ranjit Avenue, District Police Commissionerate Amritsar.

2. Succinctly, facts of the case are that on 26.06.2024, the police party while on patrolling received a secret information to the effect that Amandeep Singh @ Aman is indulged in selling heroin. It was informed that he is travelling from Vallah Bypass to Guntala Bypass, Amritsar in his car, which is without registration number and in case of barricading, he could be arrested alongwith the contraband. On receiving the secret information, barricade was laid at the place disclosed. A car as disclosed in the secret information was seen coming and the same was stopped. On asking, the person driving the car disclosed his name to be Amandeep Singh @ Aman. He was suspected to be carrying some contraband. Thus, search of car was conducted and on conducting search, 01 kg of heroin was recovered. He failed to produced any licence regarding the possession of the same, and thus, on registration of the FIR, he was arrested. The investigation commenced. During the investigation, Amandeep Singh @ Aman made a



disclosure statement about the complicity of co-accused Manpreet Singh to be the purchaser of the contraband and thus, Manpreet Singh was arrested. On arrest of Manpreet Singh, he made a disclosure statement regarding the complicity of Mandeep Singh @ Sunny (petitioner) to be his associate. Thus, Mandeep Singh @ Sunny was arrested on 28.06.2024. During his interrogation, he disclosed about the contraband having been kept by him at his home and thus, his house was raided and 450 grams of heroin was recovered. Samples taken were sent to the FSL. On receiving the FSL report, challan was presented and on framing of charges, the trial commenced. The petitioner approached the Court of learned Judge, Special Court, Amritsar 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 02.05.2025. Hence, the petitioner has approached this Court praying for grant of regular bail by way of filing the present petition.

3. It has been vehemently contended by learned counsel for the petitioner that the petitioner has been falsely and frivolously implicated in the present case on the basis of disclosure statement of the co-accused. He submits that the alleged recovery of 450 grams of heroin was planted upon the petitioner. He submits that the alleged recovery was effected in violation of Section 50 of the NDPS Act. He further submits that the Investigating Agency did not associate any independent witness to substantiate the allegations as alleged. To buttress his arguments, he submits that the petitioner has no criminal antecedents. It is submitted that the petitioner is behind the bars from the last about 1½ years, however, till date there is no



progress in the trial and his right of speedy trial is miserably defeated. He, thus, submits that in the facts and circumstances of the present case, the petitioner deserves to be granted regular bail.

4. *Per contra*, learned State counsel has vehemently opposed the submissions made by counsel for the petitioner. He has submitted that during the investigation, complicity of the petitioner was duly established. He submits that on the disclosure made by the petitioner, recovery of 450 grams of heroin was effected, which is a commercial quantity and thus, provisions of Section 37 of the NDPS Act, are attracted in this case. On instructions, he submits that out of total 35 prosecution witnesses, no witness has been examined. He has placed on record the custody certificate of the petitioner.

5. After hearing counsel for the parties and perusing the record, it is deciphered that the petitioner was arrested on 28.06.2024 on the basis of disclosure statement of the co-accused Manpreet Singh. Total recovery effected in this case is 1.450 grams of heroin, however, the alleged recovery effected from the petitioner is 450 grams of heroin. As submitted before this Court, out of total 35 prosecution witnesses, no witness has been examined. The custody certificate would show that the petitioner has suffered incarceration of 01 year, 04 months & 25 days as on 27.11.2025. It further shows that the petitioner has no criminal antecedents.

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



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

(RAJESH BHARDWAJ)
JUDGE

28.11.2025

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Whether Speaking/Reasoned :	Yes/No
Whether Reportable :	Yes/No