



214

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

**CRM-M No.41788 of 2025
Date of decision: 08.08.2025**

Mandeep Singh @ Deep

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Barjinder Singh, Advocate
for the petitioner.

Mr. Tanuj Sharma, AAG, Haryana.

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.0125, dated 12.03.2024, under Sections 15, 18 of NDPS Act, registered at Police Station Thanesar Sadar, District Kurukshetra.

2. Succinctly, the facts of the present case are that the police party, while on patrolling on 12.03.2024, received a secret information to the effect that Mandeep Singh (petitioner), Pardeep Singh and Gurparkash were travelling in truck bearing registration No.PB-32-P-2565 from Kolkata. It was informed that while coming they were bringing opium and poppy husk in large quantities for selling the same in State of Punjab and in case of barricading, they could be arrested along with the contraband. On finding the information reliable, a raiding team was constituted and barricading was laid at the place as disclosed by the informer. A truck, as disclosed, was seen



coming, which was stopped. Three persons were found travelling in the truck and on asking, they disclosed their names to be Mandeep Singh (petitioner), Pradeep Singh and Gurprakash. They were suspected to be carrying some contraband in the truck and thus, they were given notice for the search. On conducting the search of the truck, three polythene bags were recovered underneath the cleaner's seat. From one bag, around 1 Kg 188 grams of poppy husk and from two other polythene bags, 2 Kg 600 grams of opium were recovered. All these persons failed to produce any licence regarding the conscious possession of the same and thus, FIR was registered and all were arrested on the spot. On registration of the FIR, the investigation commenced. Sample taken was sent to the FSL. On receiving the FSL report, the challan was presented. The petitioner approached the learned Judge, Special Court, Kurukshetra for grant of bail. However, after hearing both the sides and finding no merit in the same, the learned Judge, Special Court, Kurukshetra declined the bail application filed by the petitioner vide order dated 12.09.2024. Hence being aggrieved, the petitioner is before this Court praying for the grant of bail by way of filing the present petition.

3. Learned counsel for the petitioner has vehemently contended that the petitioner has been falsely implicated in this case. He submits that as is evident, FIR was registered on the basis of secret information, however, there is violation of mandatory provisions of Section 42 of the NDPS Act. He submits that alleged recovery has been effected from a public place, however, no independent witness has been joined. He further submits that otherwise also there is violation of provisions of Section 50 of the NDPS Act as a joint offer has been given to all the accused for searching the vehicle. He submits



that the petitioner has no criminal antecedents and he is behind bars from the date of his arrest, however, there is no progress in the trial. He has further submitted that co-accused of the petitioner, namely, Gurparkash Ram has already been granted bail by this Court vide order dated 14.05.2024 passed in CRM-M No.60299 of 2024 and thus case of the petitioner is at par with that of the co-accused. He further submits that in the facts and circumstances of the case, the petitioner deserves to be granted the benefit of bail.

4. *Per contra*, learned State Counsel, has opposed the submissions made by learned counsel for the petitioner. He submits that on due compliance of Section 42 of the NDPS Act, the recovery has been effected. The petitioner was duly named in the secret information. He submits that the recovery effected from the petitioner and the co-accused weighs 2 Kg 600 grams of opium and 1 Kg 188 grams of Poppy Husk, which is a commercial quantity and thus the provisions of Section 37 of the NDPS Act are attracted. He, on instructions, has submitted that out of 13 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. He has endorsed the fact that the co-accused, namely, Gurparkash Ram has already been released on bail vide order dated 14.05.2024.

5. Heard.

6. On hearing learned counsel for the parties and perusing the record, it is deciphered that FIR was registered on the basis of secret information. The recovery has been effected from the truck where three polythene bags were found underneath the seat of the cleaner. From one polythene bag, 1 Kg 188 grams of poppy husk and from two other polythene



bags, 2 Kg 600 grams of opium were recovered. As per the Schedule, the opium weighing more than 2.5 kg falls under the commercial quantity. The custody certificate shows that the petitioner has suffered incarceration of 01 year, 04 months and 18 days as on 07.08.2025. It further reflects that the petitioner has no criminal antecedents. No witness has been examined as on date. Co-accused, namely, Gurparkash Ram has already been released on bail vide order dated 14.05.2025.

7. 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.”

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. This Court would refrain itself from commenting anything on the merits of the case.

9. 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 on parity. Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on her 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.

08.08.2025

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(RAJESH BHARDWAJ)
JUDGE

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