



229 (2 cases)

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

CRM-M No.44121 of 2024

Matwinder Singh @ Harman

..... Petitioner

Versus

State of Punjab

..... Respondent

CRM-M No.59135 of 2024

Karandeep Singh

..... Petitioner

versus

State of Punjab

..... Respondent

Date of Decision: 04.08.2025

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Kuldeep Singh Ahluwalia, Advocate and
Ms. Jasjot Kaur, Advocate
for the petitioner in both the cases.

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

RAJESH BHARDWAJ, J. (ORAL)

1. By this order, I dispose of the above mentioned two petitions arising out of the same FIR.
2. Both the petitions have been filed praying for the grant of regular bail to the petitioners in case bearing FIR No.307, dated 14.12.2023, under Sections 15/61/85 of NDPS Act, 1985, registered at



Police Station Patran, District Patiala.

3. Succinctly the facts of the case are that the police party while on patrolling on 14.12.2023, received a secret information to the effect that Matwinder Singh @ Harman is involved in selling Poppy Husk and he would bring he Poppy Husk in his car brand Volkswagen bearing registration No.DL-3CBY-1131 and is coming from Rajasthan side and in case of barricading, he could be apprehended along with the contraband. On receiving the secret information, the raiding party was constituted and the barricading was laid at the placed disclosed in the secret information. The car as disclosed in the secret information was seen coming and the same was stopped. The driver of the car disclosed his name to be Matwinder Singh @ Harman (petitioner in 44121-2024). He was suspected to be carrying some contraband and thus, the search was conducted. On conducting the search, 04 bags of Poppy Husk, each weighing 25 Kgs were recovered from the car, which in total 100 Kgs of Poppy Husk. He failed to produce any licence regarding the conscious possession of the same and thus the FIR was registered and he was arrested on the spot. On registration of the FIR, the investigation commenced. During the investigation, it was found that Karandeep Singh (petitioner in CRM-M-59135-2024) was owner of the car and thus, he was also arrayed as an accused in the present case. He was arrested on 10.10.2024. On completion of the investigation, the challan was presented and on framing the charge, the trial commenced. The petitioners approached the Court of learned Judge, Special Court, Patiala praying for the grant of bail. However after hearing both the sides and finding no



merit in the same, the learned Judge, Special Court, Patiala declined the bail petitions filed by both the petitioners vide orders dated 16.07.2024 & 28.10.2024, respectively. Hence being aggrieved, the petitioners are before this Court by way of filing the present petitions praying for the grant of regular bail.

4. Learned counsels for the petitioners have vehemently contended that the petitioners have been falsely implicated in the present case. They have submitted that the FIR was registered on the basis of secret information but there is a blatant violation of the provisions of Section 42 of NDPS Act. They have submitted that there is a violation of provisions of Section 50 of NDPS Act as well in conducting the search. Learned counsel for the petitioner, namely, Karandeep Singh, has submitted that the petitioner though earlier was the owner of the car, however he had already sold it to Matwinder Sigh @ Harman, hence he submits that the petitioner, namely, Karandeep Singh, has been arrayed as an accused in the present case being owner of the car, is also on wrong facts. He has submitted that the petitioners have been falsely implicated in one more case and presently they were lodged in Rajasthan Jail. He has submitted that the petitioners are behind bars from 14.12.2023 & 10.10.2024, however there is no witness has been examined by the prosecution till date and thus their right of speedy trial has been defeated. He has thus submitted that in the facts and circumstances, the petitioners deserve to be granted regular bail.

5. *Per contra*, learned counsel for the State has opposed the submissions made by counsel for the petitioners. She has submitted that



petitioner, namely, Matwinder Singh @ Harman was specifically named in the FIR and on conducting the search of the car, which he was driving, it was found to be 100 Kgs of Poppy Husk, which is a commercial quantity and thus, the provisions of Section 37 of NDPS Act are attracted. She has submitted that petitioner, namely, Karandeep Singh, is the owner of the car, which is used in the offence. She, on instruction, has submitted that out of 20 prosecution witnesses, no witness has been examined till date. She has produced custody certificates of both the petitioners today in the Court and the same are taken on record. She has submitted that the petitioners are involved in one more case under the NDPS Act itself.

6. Heard.

7. After hearing learned counsel for the parties and perusing the record, it is deciphered that FIR was registered on the basis of secret information. The petitioner, namely, Matwinder Singh @ Harman was arrested on the spot whereas petitioner, namely, Karandeep Singh was prosecuted on the alleged allegation that he was the owner of the car. As submitted before this Court, no witness has been examined till date, out of 20 prosecution witnesses. Custody certificates produced would show that petitioner, namely, Matwinder Singh @ Harman has completed incarceration of 01 years, 07 months and 15 days and petitioner, namely, Karandeep Singh has completed incarceration of 09 months and 25 days as on 03.08.2025. Custody certificates further reflect that the petitioners are involved in one more case under the NDPS Act, however both are behind bars. The contraband recovered in the present case falls under the category of commercial quantity.



8. After perusal of the order passed 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.*
xxxxxx xxxxxxxx
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.*
xxxxxx xxxxxxxx
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.'

9. 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.

10. 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 counsels for the petitioners succeed in making out a case for the grant of bail. Accordingly, the present petitions are allowed and the petitioners, namely, Matwinder Singh @ Harman and Karandeep Singh, 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. However, if the petitioners do not furnish the bail bonds within seven days from today, then their further custody period after one week will not be counted in this case.

04.08.2025
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(RAJESH BHARDWAJ)
JUDGE

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