



CRM-M-41489-2025 and CRM-M-43844-2025

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258+372 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

1) CRM-M-41489-2025
Date of decision: 08.12.2025

GURBAJ SINGH @ BAJA ...PETITIONER

VERSUS

STATE OF PUNJAB ...RESPONDENT

2) CRM-M-43844-2025

SATNAM SINGH ALIAS MANGA ...PETITIONER

VERSUS

STATE OF PUNJAB ...RESPONDENT

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Brijeshwar Singh Bhalla, Advocate
for the petitioner in CRM-M-41489-2025.

Mr. Anmol Puri, Advocate and
Ms. Shirin Mudgil, Advocate
for the petitioner in CRM-M-43844-2025.

Mr. Raj Karan Singh, AAG, Punjab.

RAJESH BHARDWAJ, J. (ORAL)

1. In the above mentioned petitions common question of law and facts are involved, so both the petitions are being disposed of by a common judgment. For brevity, facts are being taken from CRM-M-41489-2025 titled as “*Gurbaj Singh @ Baja Versus State of Punjab.*”

2. Petitioner(s) have approached by way of filing the present petition praying for grant of regular bail in case bearing FIR No.41 dated 24.03.2025 under Sections 21(c), 25, 29 of NDPS Act, registered at Police Station Lopoke, District Amritsar (Rural).

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patrolling received a secret information to the effect that Baljeet Singh @ Gulli and Arjinderpal Singh alias Karan had connections with Pakistani smugglers and in connivance with them, they smuggle heroin across the India-Pakistan Border. They would be going on a hero honda motorcycle towards Ranike side, to deliver a consignment of heroin. On receipt of this information, the police party led the barricading at the place as disclosed in secret information and two persons were seeing coming on the motorcycle. They were suspected some carrying contraband. On giving the offer, their search was conducted. During their search of the motorcycle, 515 grams of Heroin was recovered. They failed to produce any license regarding the possession of the same. FIR got registered and investigation commenced. During investigation, their separate disclosure statements were recorded and the complicity of both the petitioner(s) surfaced and they were alleged to be the suppliers of the contraband recovered. Thus, both the petitioners were arrayed as accused in the present case and were arrested on 26.03.2025. On the completion of the investigation, challan stands presented and trial had commenced. Petitioner(s) approached the Judge, Special Court, Amritsar for grant of bail. However, after hearing both the sides and finding no merit in the same, the Judge, Special Court, Amritsar declined the bail applications vide orders dated 24.06.2025/11.07.2025, respectively. Aggrieved by the same, petitioner(s) are before this Court praying for the grant of bail by way of filing the present petition.

4. Learned counsel for the petitioner(s) submit that petitioner(s) have been falsely implicated in the present case. They further submit that admittedly the secret information was regarding the co-accused, namely, Baljeet Singh @ Gulli and Arjinderpal Singh alias Karan and recovery has also been effected from them. They further submit that the only evidence against the petitioner(s) are

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disclosure statements of the co-accused which are not admissible evidence. They also submit that the petitioner(s) have no criminal antecedents and have never been involved in any other case. They have submitted that in the facts and circumstances, the petitioner(s) deserve to be granted regular bail.

5. Learned State counsel opposed the bail applications, contending that the recovered contraband in the present case falls within a commercial category, thus attracting the rigours of Section 37 of the NDPS Act. He further submits that the complexity of the petitioner(s) have been duly established during investigation. He further submits that only charges have been framed. On instructions, he submits that out of 12 prosecution witnesses, none has been examined till date and custody certificates of the petitioner(s) are placed on record and both the petitioner(s) have clean antecedents and are not involved in other case.

6. Heard.

7. After hearing learned counsel for the parties and perusing the record, it is deciphered that the secret information in the present case was regarding the co-accused, namely, Baljeet Singh @ Gulli and Arjinderpal Singh alias Karan. Both the petitioner(s) have been arrayed as an accused on the basis of the disclosure statements of the co-accused. Custody certificates produced would show that the petitioner(s) have suffered an incarceration of 08 months and 08 days as on 07.12.2025 and both the petitioner(s) have clean antecedents and are not involved in other case. Out of 12 prosecution witnesses, none has been examined so far.

8. 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



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.”*

9. The veracity of the allegations would be assessed only after the

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parties before the trial Court. The trial of the case will take sufficiently long time.

10. Thus, keeping in view the overall facts and circumstances of the case, this Court is of the opinion that learned counsel for the petitioner(s) succeed in making out a case for grant of regular bail. Accordingly, both the petitions are allowed. Petitioner(s) 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.

08.12.2025

*renubala***(RAJESH BHARDWAJ)
JUDGE**

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No