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

CRM-M No.44211 of 2025 (O&M)

Date of Decision: 20.08.2025

Satnam Singh

.....Petitioner

versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Satnam Singh Gill, Advocate
for the petitioner.

Ms. Diya Sodhi, Sr. DAG, Haryana.

RAJESH BHARDWAJ, J. (Oral)**CRM-31724-2025**

Allowed as prayed for.

CRM-M-44211-2025

1. Present petition has been filed praying for the grant of regular bail to the petitioner in case bearing FIR No.29, dated 25.03.2024, under Sections 15, 61, 85 of NDPS Act, 1985, registered at Police Station City II Malerkotla, District Malerkotla.

2. Succinctly the facts of the case are that the police party, while on patrolling on 25.03.2024, saw a truck bearing registration No.PB-65-BF-4857 parked on the road side. One of the person was adjusting the plastic sheet on the top of the truck whereas the another was sitting on the conductor seat. On seeing the police, they got perplexed and tried to escape, however they were apprehended. On asking, the person adjusting



the sheet on the truck, disclosed his name to be Satnam Singh (petitioner) and the person sitting on the conductor seat, disclosed his name to be Gurdeep Singh. They were suspected to be carrying some contraband in the truck and thus, the search of the truck in the presence of DSP Gurdev Singh was carried out. Sacks in the truck containing turmeric and on top of them, 7 plastic bags containing Poppy Husk were recovered from the truck. On weighing, the total crushed Poppy Husk was found to be 220 Kgs. They failed to produce any licence regarding the conscious possession of the same, thus, the FIR was registered and both were arrested on the spot. The samples taken were sent to the FSL. On completion of the investigation, the challan was presented. The petitioner approached the Court of learned Judge, Special Court, Sangrur praying for grant of bail, however, after hearing both the sides and finding no merit in the same, the learned Judge, Special Court, Sangrur declined the petition filed by the petitioner vide order dated 11.12.2024. 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 the present case. He has submitted that the police had planted the recovery upon the petitioner. He has submitted that the alleged recovery has been effected from the public place, where the truck was parked, however no independent witness was joined. He has submitted that there is a violation of mandatory provisions of Section 50 of NDPS Act in conducting the search. He has submitted that the petitioner has no criminal antecedents as he has never been involved in any other case. He has submitted that the petitioner is behind bars since 25.03.2024, however there is no progress in the trial and thus,



the right of speedy trial has been defeated. He has submitted that in the facts and circumstances, the petitioner deserves to be granted regular bail.

4. *Per contra*, learned State counsel has opposed the submissions made by counsel for the petitioner. She has submitted that both the accused in the present case were arrested on the spot. She has submitted that the recovery effected is 220 Kgs of crushed Puppy Husk, which is a commercial quantity, and thus, the provisions of Section 37 of NDPS Act are attracted in this case. She, on instructions, has submitted that out of total 15 prosecution witnesses, no witness has been examined till date. She has submitted that charges are already framed. She has placed on record custody certificate of the petitioner today in the Court and the same is taken on record.

5. Heard.

6 On hearing learned counsel for the parties and perusing the record, it is deciphered that the petitioner was arrested in the present case on 25.03.2024 and since then, he is behind bars. The recovery effected is 220 Kgs of crushed Poppy Husk, which is a commercial quantity. Custody certificate produced would show that the petitioner has completed incarceration of 01 year, 04 months and 20 days as on 19.08.2025. It further reflects that the petitioner has no criminal antecedents. Out of 15 prosecution witnesses, no witness has been examined till date. There is no gainsaying that every accused has a right of speedy trial.

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:-

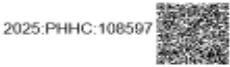
19. A plain and literal interpretation of the conditions under Section 37 (i.e., that Court should be satisfied that the accused is not guilty and would not commit any offence) would effectively exclude grant of bail altogether, resulting in punitive detention and unsanctioned preventive detention as 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 Hon’ble Supreme Court in Ashim @ Asim Kumar Haranath Bhattacharya @ Asim Harinath Bhattacharya @ Aseem Kumar Bhattacharya Vs. National Investigation Agency, 2022(1) SCC 695 has held as under:

“Deprivation of personal liberty without ensuring speedy trial is not consistent with Article 21 of the Constitution of India. While deprivation of personal liberty for some period may not be avoidable, period of deprivation pending trial/appeal cannot be unduly long. At the same time, timely delivery of justice is part of human rights and denial of speedy justice is a threat to public confidence in the administration of justice.”

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. 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 succeeds in making out a case for grant of regular bail. Accordingly, the present petition is allowed. 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.

20.08.2025

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Whether speaking/reasoned
Whether reportable

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:

(RAJESH BHARDWAJ)
JUDGE

Yes/No
Yes/No