



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

210

CRM-M-46240-2025 (O&M)
Date of decision: 29.11.2025

Sukhwinder Singh @ Bitti

....Petitioner

Versus

State of Punjab

...Respondent

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CRM-M-65448-2025 (O&M)

Lovejit Singh @ Lovepreet Singh @ Love

....Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Ms. Manveen Kahlon, Advocate,
for the petitioner(s).

Mr. Manipal Singh Atwal, DAG, Punjab.

AMAN CHAUDHARY, J. (ORAL)

1. Prayer in both these petitions filed under Section 439 of Cr.P.C. is for grant of regular bail to the petitioners in case FIR No.156 dated 02.09.2023, registered under Sections 21, 29, 61, 85 of NDPS Act (Sections 24, 25 and 59 of Arms Act added later on through Rapat No.49 dated 03.09.2023 and Sections 21-C, 25, 27-A of NDPS Act added later on) at Police Station Sadar Tarn Taran.
2. Learned counsel contends that the petitioners have been in custody



for 2 years, 02 months and 18 days. They have been falsely implicated in the case. No independent witness was joined. Mandatory provisions of Section 42 of NDPS Act have not been complied with as the secret information was not reduced into writing. Though charges had been framed on 04.10.2024, however out of 23 prosecution witnesses, only 04 have been examined. Petitioner-Sukhwinder Singh @ Bitti is not involved in any other case, while petitioner-Lovejit Singh @ Lovepreet Singh @ Love is involved in two under the Prisons Act, 1894 and one under the IPC, wherein he is on bail. Reliance is placed on the judgment passed by Hon'ble The Supreme Court titled as **Maulana Mohd. Amir Rashadi vs. State of U.P. and others**, 2012(2) SCC 382.

3. The custody certificates 26.11.2025, filed by the learned State counsel are taken on record. As per the same, the petitioners are behind bars for 2 years, 02 months and 18 days.

4. Learned State counsel opposes the bail on the ground that commercial quantity of contraband was recovered from the petitioners, who were apprehended at the spot with Rs.8,00,000/- drug money and country made pistol. However, he is unable to controvert the submissions with regard to stage of the case, the petitioner Lovejit Singh @ Lovepreet Singh @ Love being on bail in other case and Sukhwinder Singh @ Bitti not involved in any other case.

5. Heard.

6. Hon'ble The Supreme Court in the case of **Maulana Mohd. Amir Rashadi** (supra) had held that, "As observed by the High Court, merely on the basis of criminal antecedents, the claim of the second respondent cannot be rejected. In other words, it is the duty of the Court to find out the role of the



accused in the case in which he has been charged and other circumstances such as possibility of fleeing away from the jurisdiction of the Court, etc.”

7. Hon'ble The Supreme Court in **Shariful Islam @ Sarif versus The State of West Bengal** SLP (Crl.) No.4173/2022, decided on 04.08.2022, granted bail to the petitioner in a case of recovery of commercial quantity of contraband, considering incarceration for over 1 year, 6 months and there being no likelihood of completion of trial in the near future, while the Division Bench of this Court in **Bhupender Singh vs. Narcotic Control Bureau** (2022) 2 RCR (Crl.) 706, observed with regard to achieving balance between right to speedy trial guaranteed under Article 21 of the Constitution of India and rigors of Section 37 of NDPS Act.

8. This Court in the case of **Balraj Singh vs. State of Punjab** CRM-M-57386-2022, on 14.12.2022 has followed the dictum laid down by Hon'ble The Supreme Court and granted the bail to the petitioner therein after he had undergone total custody of 1 year and 6 months and in **Munasi Masih vs. State of Punjab**, CRM-M-31504-2022, on 06.2.2023, wherein commercial quantity of contraband had been recovered but only 2 out of 13 PWs had been examined, allowed bail.

9. Considering the facts and circumstances of the case, in particular that the petitioners are in custody for 2 years, 2 months and 18 days; petitioner Sukhwinder Singh not involved in any other case; petitioner Lovejit Singh @ Lovepreet Singh @ Love is on bail in other cases; charges were framed on 04.10.2024, only 04 out of 23 prosecution witnesses have been examined so far, the trial is likely to take considerable time, further incarceration of the petitioner would be violative of his right enshrined under Article 21 of the Constitution of India, the present petition is allowed.



10. The petitioners are ordered to be released on regular bail, subject to furnishing bail/surety bonds to the satisfaction of trial Court/Duty Magistrate concerned, if not required in any other case and shall abide by the following conditions:-

- (i) The petitioners will not tamper with the evidence during the trial.
- (ii) The petitioners will not pressurize/ intimidate the prosecution witnesses.
- (iii) The petitioner will appear before the trial Court on each and every date fixed, unless is exempted by a specific order of Court.
- (iv) The petitioners shall not commit an offence similar to the offence of which, they are accused, or for commission of which they are suspected of.
- (v) The petitioners shall not directly or indirectly coerce, induce, threaten or promise to any person acquainted with the facts of the case so as to dissuade him/ her from disclosing such facts to the Court or to any police officer or tamper with the evidence in any manner.
- (vi) The petitioners shall not in any manner misuse their liberty.
- (vii) The petitioners shall furnish their addresses and mobile number by way of their respective affidavit to the trial Court and not change the same till conclusion of trial and if for any reasons, they seek to change either of the aforesaid, it shall be done only with prior information to the learned trial Court.
- (viii) The petitioners shall not leave the country without prior permission of the trial Court.
- (ix) The trial Court/Duty Magistrate may impose any other condition, as deemed appropriate while releasing the petitioners.

11. It is made abundantly clear that in case there is any breach of the aforesaid conditions, the State shall be at liberty to seek cancellation of bail as granted to the petitioners by this order.

12. In view of the above, it is clarified that the observations made herein above are limited for the purpose of present proceedings and would not be

construed as any opinion on the merits of the case and the trial would proceed independently of the aforesaid observations.

13. A photocopy of this order be placed on the file(s) of the other connected case (s).

(AMAN CHAUDHARY)
JUDGE

29.11.2025

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