



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

**CRM-M No.45739 of 2025
Date of Decision: 26.08.2025**

Salwinder Singh @ Salvinder Singh @ Gullu

..... Petitioner

Versus

State of Punjab

.....Respondent

**CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Prateek Pandit, Advocate
for the petitioner.

Mr. Raj Karan Singh, Asstt. A.G., Punjab.

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.52, dated 15.06.2023, under Sections 22(c), 29 of NDPS Act, 1985, registered at Police Station Nurmehal, District Jalandhar (Rural).

2. Succinctly the facts of the case are that the police party, while on patrolling on 15.06.2023, spotted three clean shaved young boys coming on a motorcycle, however on suspicion, they were stopped. On asking, they disclosed their names to be Sukhpreet Singh @ Sukha, Salwinder Singh @ Gullu (petitioner) and Kirandeep Singh @ Karan. They were suspected to be carrying some contraband in the bags carried by them and thus, they were given an offer to search the bags. Then the search of the bags were conducted and on conducting the search, 2000 intoxicant capsules were recovered. They failed to produce any licence regarding the conscious possession of the same thus, the FIR was



registered and all were arrested on the spot. On registration of the FIR, the investigation commenced. After completion of the investigation, the challan was presented. The petitioner approached the Court of learned Judge, Special Court, Jalandhar praying for the grant of bail, however, after hearing both the sides and finding no merit in the same, the learned Judge, Special Court, Jalandhar dismissed the bail application of the petitioner vide order dated 15.07.2025. Hence being aggrieved, the petitioner is before this Court by way of filing the present petition praying for the grant of bail.

3. It has been contended by counsel for the petitioner that petitioner has been falsely implicated in the present case. He has submitted that the alleged recovery has been effected from the public place, 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 is behind bars since the date of his arrest, i.e. 15.06.2023 and thus, he has completed incarceration of more than 02 years, however there is no progress in the trial and thus, his right of speedy trial is miserably defeated. He has further submitted that out of total 04 accused, 02 of the accused are on bail. He has further submitted that co-accused of the petitioner, namely, Sukhwinder Singh and Kirandeep Singh @ Karan have already been granted bail by this Court vide orders dated 13.11.2024 and 24.01.2025 passed in CRM-M-26408-2024 and CRM-M-2770-2025 and thus, case of the petitioner is at par with that of the co-accused. He submits 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. He has submitted that the petitioner was arrested on the spot along with the contraband. He has further submitted that the recovery was effected on due compliance of NDPS Act. He, on instructions, has submitted that out of total 11 prosecution witnesses, 05 witnesses have been examined so far. He has placed on record custody certificate of the petitioner today in the Court and the same is taken on record. He has submitted that the recovery effected from the petitioner, i.e. 688.36 grams of Tramadol and 116.806 grams of Alprazolam, falls under the category of commercial quantity and thus, provisions of Section 37 of NDPS Act are attracted. He has submitted that the petitioner is involved in other cases as well. He has endorsed the fact that co-accused of the petitioner have already been granted bail by this Court vide order dated 13.11.2024 and 24.01.2025. He has also submitted that the petitioner is involved in other cases as well and thus, he does not deserves to be granted bail.

5. After hearing counsel for the parties and perusing the record, it is deciphered that the petitioner was arrested on the spot. The petitioner is behind bars since the date of his arrest, i.e. 15.06.2023. Recovery effected from the petitioner falls under the category of commercial quantity. Custody certificate produced would show that the petitioner has suffered incarceration of 02 years, 02 months & 08 days as on 25.08.2025. Out of total 11 prosecution witnesses, 05 witnesses have been examined so far. Co-accused of the petitioner have already been granted bail by this Court.

6. 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.”

7. 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. The trial of the case will take sufficient long time. Keeping in view the arguments raised by both the sides and perusing the record, this Court is of the opinion that learned counsel for the petitioner succeeds in making out a case for grant of regular bail to the petitioner on parity.
8. Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate.
9. Nothing said herein shall be treated as an expression of opinion on the merits of the case. However, if the petitioner does not furnish the bail bonds within seven days from today, then his further custody period after one week will not be counted in this case.

26.08.2025
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(RAJESH BHARDWAJ)
JUDGE

Whether Speaking/Reasoned	:	Yes/No
Whether Reportable	:	Yes/No

