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

CRM-M-47577-2025

Date of Decision: 11.12.2025

Kuljeet Singh @ Vijay

..... Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Ms. Meena, Advocate for
Mr. Amit Aora, Advocate, for the petitioner.

Mr.Raj Karan Singh, AAG, Punjab.

Rajesh Bhardwaj, J. (ORAL)

1. Prayer in the present petition is for grant of regular bail to the petitioner in a case FIR No.128 dated 28.10.2024, registered under Sections 18 and 29 of NDPS Act, 1985, at Police Station Verowal, District Tarn Taran.

2. Succinctly, facts of the case are that on 28.10.2024, the police party while on patrolling when reached near naka Gate Jawandpur on the bridge over the canal, they saw two persons coming on the motorcycle. On seeing the police, they got perplexed. Rider of the motorcycle tried to turn the motorcycle, however, his motorcycle slipped and they fell down. The person sitting pillion managed to escape, however, the rider of the motorcycle was nabbed by the police. A yellow parna was hanging on the handle of the motorcycle. On asking, the rider of motorcycle disclosed his name as Kuljeet Singh @ Vijay (petitioner). He was suspected to be carrying some contraband in the yellow parna and thus, search of the same was conducted. On conducting search, 2.7 kgs of opium was recovered from the yellow parna. Kuljeet Singh @ Vijay also disclosed the name of the pillion rider to be Gurpreet Singh @ Gopi who escaped from the spot. He failed to



produced any licence regarding the possession of the same, and thus, on registration of the FIR, he was arrested. The investigation commenced. Samples taken were sent to the FSL. On the completion of the investigation, challan was presented and on framing of charges, the trial commenced. The petitioner approached the Court of learned Judge, Special Court, Tarn Taran praying for grant of regular bail. However, after hearing both the sides, the learned Court finding no merit in the same, dismissed the bail application filed by the petitioner vide order dated 17.02.2025. Earlier the petition approached this Court praying for the grant of regular bail by way of filing CRM-M-19376-2025, however, the same was allowed to be dismissed as withdrawn vide order dated 24.04.2025. Hence, the petitioner has again approached this Court praying for grant of regular bail by way of filing the present second petition.

3. It has been vehemently contended by learned counsel for the petitioner that the petitioner has been falsely and frivolously implicated in the present case. She submits that the alleged recovery had been effected from a public place, however, no independent witness has been joined. She submits that there is violation of Section 50 of the NDPS Act in conducting the search. To buttress her arguments, she submits that the petitioner has no criminal antecedents and thus, it is apparent that the recovery has been planted on the petitioner in a due deliberated manner. It is submitted that the petitioner is behind the bars from the last more than one year, however, there is no material progress in the trial. She has further submitted that co-accused Gurpreet Singh @ Gopi has been granted anticipatory bail by this Court vide order dated 09.01.2025 passed in CRM-M-58010-2024. She thus, submits



that in the facts and circumstances of the case, the petitioner deserves to be granted bail.

4. *Per contra*, learned State counsel has vehemently controverted the submissions made by counsel for the petitioner. He has submitted that the petitioner was arrested on the spot alongwith 2.7 kgs of opium, which is a commercial quantity and thus, provisions of Section 37 of the NDPS Act, are attracted in this case. On instructions, he submits that only 01 witness has been examined out of total 12 prosecution witnesses. He has placed on record the custody certificate of the petitioner.

5. After hearing counsel for the parties and perusing the record, it is deciphered that alleged recovery effected from the petitioner is 2.7 kgs of opium, whereas, commercial quantity of opium is above 2.5 kgs. As submitted before this Court, out of total 12 prosecution witnesses, 01 witness has been examined. The custody certificate would show that the petitioner has suffered incarceration of 01 year, 01 month & 09 days as on 10.12.2025. It further shows that the petitioner has no criminal antecedents. Co-accused Gurpreet Singh @ Gopi has already been granted anticipatory bail by this Court vide order dated 09.01.2025.

6. 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.

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21it 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.

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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



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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.

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.

(RAJESH BHARDWAJ)
JUDGE

11.12.2025

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