



229

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

CRM-M-47983-2025

Date of decision : 09.12.2025

Sukhdeep Singh @ Sukha

....Petitioner

versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Sanjeev Kumar Bawa, Advocate
for the petitioner.

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

RAJESH BHARDWAJ, J. (Oral)

1. Present petition has been filed for grant of regular bail in case FIR No.0016 dated 07.02.2025, under Sections 22/61/85 of NDPS Act, registered at Police Station Goraya, District Jalandhar Rural.
2. Succinctly, the facts of the present case are that the on 07.02.2025, Head Munshi of Police Station, informed that ASI Surinder Pal has arrested Sukhdeep Singh @ Sukha and Avtar Singh @ Sonu Baba in FIR No.15 dated 07.02.2025 under Sections 309(4), 3(5) of BNS, registered at Police Station Goraya. It was informed that they were apprehending that they are in possession of some intoxicant substance, hence, it was requested to send some NGO for taking some action. The police officer reached the place as per the information received. Both the accused were given offer to be searched and on receiving the consent, their search was conducted. From the right pocket of trouser of Sukhdeep Singh @ Sukha (petitioner), 75 intoxicant tablets were recovered whereas from the search of Avtar Singh @ Sonu Baba 65 intoxicant tablets, were



recovered. They failed to produce any license regarding the possession of the same and thus, the FIR was registered and both the accused were arrested in the present FIR. Samples taken were sent to FSL. The petitioner approached Learned Judge, Special Court, Jalandhar praying for grant of bail, however, finding no merit, the same was declined after hearing both the sides by Learned Judge, Special Court, Jalandhar vide order dated 21.05.2025. Aggrieved by the same, the petitioner is before this Court by way of filing of present petition for grant of bail.

3. Learned counsel for the petitioner has contended that the petitioner has been falsely and frivolously implicated in the present case in a clandestine manner. It is submitted that on the very same day, first, the petitioner was arrested in FIR No.15 dated 07.02.2025 and then, on the basis of cock and bull story, he was arrested in the present FIR. It is submitted that the alleged recovery is from the personal search of the petitioner and the same has been allegedly conducted before ASI Surinder Pal and not before any Magistrate or Gazetted Officer. It is submitted that there is a blatant violation of mandatory provisions of Section 50 of NDPS Act, in conducting the search. It is submitted that the petitioner is not involved in any other case of similar nature, however, in the other FIR i.e. FIR No.15 dated 07.02.2025, he has been convicted for 05 months of rigorous imprisonment. He 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 opposed the submissions made by the counsel for the petitioner and submits that after the arrest of the petitioner in FIR No.15 dated 07.02.2025, he was found in possession of intoxicant tablets and thus, the present FIR was also registered. He submits that recovery effected from the petitioner 75



intoxicant tablets of Etizolam which weighs 7.5 grams and the same is commercial quantity and thus, provisions of Section 37 of NDPS Act, are attracted in the present case. He, on instructions, has submitted that though charges are framed, however, out of total 16 prosecution witnesses, none has been examined so far. 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 the petitioner was arrested in 02 different FIRs on the same very day i.e. on 07.02.2025. Counsel for the petitioner has vehemently contended regarding the violation of Section 50 of NDPS Act, in conducting the search. As per custody certificate of the petitioner, he has suffered an incarceration of 09 months and 14 day as on 08.12.2025. It further reflects that he is not been prosecuted in any other case of similar nature, however, in the other FIR i.e. FIR No.15 dated 07.02.2025, he has been convicted for 05 months.

6. The veracity of the allegations would be assessed only after conclusion of the trial and on the appreciation of evidence to be led by both the parties before the trial Court.

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 trial of the case will take sufficiently long time. 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 to the petitioner. 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. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

9. In case the bail bonds are not furnished by the petitioner during the period of 07 days from today, then his further custody period after one week will not be counted in the present case.

09.12.2025	(RAJESH BHARDWAJ)
ps-I	JUDGE
Whether speaking/reasoned	: Yes/No
Whether reportable	: Yes/No