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

CRM-M No.48569 of 2025

Asses @ Ashu @ Ashish

.....Petitioner

versus

State of Punjab

..... Respondent

CRM-M No.57847 of 2025

Sukhwinder Singh @ Laddi

..... Petitioner

versus

State of Punjab

..... Respondent

Date of Decision: 11.12.2025

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Vikram Satpal Anand, Advocate
for the petitioner in CRM-M-48569-2025.

Mr. Parunjeet Singh, Advocate
for the petitioner in CRM-M-57847-2025.

Ms. Simran Gorla, Asstt. A.G., Punjab.

RAJESH BHARDWAJ, J. (Oral)

1. By this order, I dispose of the above mentioned two petitions arising out of the same FIR.

2. Both the petitions have been filed praying for the grant of regular bail to the petitioners in case bearing FIR No.383, dated 19.12.2023, under Sections 21 & 29 of NDPS Act (Sections 21-C & 27 of NDPS Act added later on), registered at Police Station STF Phase-4, Mohali, District SAS Nagar.

3. Succinctly, the facts of the case are that the police party while



on patrolling on 19.12.2023, received a secret information to the effect that Asses @ Ashu (petitioner in CRM-M-48569-2025), Sukhwinder Singh @ Laddi (petitioner in CRM-M-57847-2025) and Vandana were involved in the smuggling of heroin. It was informed that these 03 persons would be coming in their Etios car bearing registration No.PB-65Y-0107 to supply heroin to their customers near Red Oak Banquet Hall and in case of raid, they could be apprehended along with the contraband. On receiving the secret information, the raiding party was constituted and reached at the place as disclosed in the secret information. The car, as informed, was seen coming and thus, the same was stopped. On asking, driver of the car disclosed his name to be Sukhwinder Singh @ Laddi (petitioner in CRM-M-57847-2025), the person sitting on the passenger seat disclosed his name to be Asses @ Ashu (petitioner in CRM-M-48569-2025) and the lady sitting on the rear seat, disclosed her name to be Vandana, and she was holding a bag in her hands. On suspicion, search of the car and that of the bag having been held by co-accused, Vandana, was conducted. On conducting the search, 1.500 kgs of heroin was recovered from the bag, which she was holding. They failed to produce any licence regarding the conscious possession of the same, thus, the FIR was registered and all 03 accused were arrested on spot. On registration of the FIR, the investigation commenced. On completion of the investigation, the challan was presented and on framing of charges, the trial commenced. Both the petitioners approached the Court of learned Judge, Special Court, Ludhiana praying for the grant of bail. However, after hearing both the sides and finding no merit in the same, the learned Judge, Special Court, Ludhiana declined the bail applications filed by both the petitioners vide orders dated 28.07.2025



and 18.07.2024, respectively. Being aggrieved, the petitioner, namely, Sukhwinder Singh @ Laddi (in CRM-M-57847-2025) earlier approached this Court praying for the grant of bail by way of filing CRM-M-57213-2024, however the same was dismissed as withdrawn vide order dated 08.07.2025. Hence being aggrieved, the petitioners are before this Court by way of filing the present petitions praying for the grant of regular bail.

4. Learned counsels for the petitioners have submitted that the present FIR has been registered on the basis of secret information, however, there is violation of Section 42 of the NDPS Act. They have submitted that the alleged recovery has been effected from a public place, however, no independent witness has been joined. They have submitted that the petitioners are behind bars since 19.12.2023. They, at the outset, pray for the grant of regular bail to the petitioners on the basis of parity with that of the co-accused, namely, Vandana. They have drawn the attention of this Court to the order dated 09.12.2025 passed in **CRM-M-54338-2025**, whereby, co-accused, namely, Vandana has been granted regular bail by this Court. They have submitted that on the basis of parity, the petitioners deserve to be granted bail as the cases of the petitioners are similar to that of the said co-accused, who has already been granted bail.

5. *Per contra*, learned State counsel has opposed the submissions made by counsel for the petitioner. She has submitted that the petitioners were specifically named in the secret information. She has submitted that the alleged recovery effected in the present case is 1.5 Kgs of heroin, which falls under the category of commercial quantity and thus, the provisions of Section 37 of NDPS Act, are attracted. She has further endorsed the fact that co-accused, namely, Vandana, has already been



granted bail by this Court vide order dated 09.12.2025. She has produced custody certificates of both the petitioners today in the Court, which are taken on record.

6. I have heard learned counsel for the parties and perused the record with their able assistance.

7. On hearing counsel for the parties and perusing the record, it is deciphered that the petitioners were arrested in the present case on 19.12.2023. Recovery effected in the present case is 1.5 Kgs of heroin, which is commercial in nature. Custody certificates produced would show that the petitioners have suffered an incarceration of 01 year, 11 months and 18 days as on 10.12.2025. It further reflects that petitioner, namely, Asses @ Ashu @ Ashish (in CRM-M-48569-2025) is involved in one more case, however, he is on bail in that case. Co-accused of the petitioner, namely, Vandana, has already been granted bail by this Court vide order dated 09.12.2025.

8. 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.”*

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.

10. 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 counsels for the petitioners succeed in making out a case for grant of regular bail on parity.

11. Accordingly, both the petitions are allowed and the petitioners, namely, Asses @ Ashu @ Ashish and Sukhwinder Singh @ Laddi are ordered to be released on bail on their furnishing bail/surety bonds to the satisfaction of the concerned Court/Duty Magistrate. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

11.12.2025		(RAJESH BHARDWAJ)
<i>rittu</i>	Whether speaking/reasoned	: JUDGE Yes/No
	Whether reportable	: Yes/No