



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

**CRM-M No.49484 of 2025
Date of decision: 10.09.2025**

Sukhdev Singh @ Sonu

.....Petitioner

versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. L. S. Sidhu, Advocate
for the petitioner.

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

RAJESH BHARDWAJ, J. (Oral)

1. Present second petition has been filed praying for the grant of regular bail to the petitioner in case bearing FIR No.42, dated 11.07.2024, under Sections 22, 27-A, 29 of NDPS Act, 1985, registered at Police Station Tibber, District Gurdaspur.

2. Succinctly the facts of the case are that the police party on 11.07.2024, went to the house of Lakhwinder Masih @ Jenni (co-accused) to search his house regarding some contraband. On conducting the search of house of Lakhwinder Masih @ Jenni, they recovered 430 intoxicant tablets along with Rs.500/- drug money. Thus, the FIR was registered and he was arrested. During the investigation, he made a disclosure statement about the complicity of the petitioner that the intoxicant tablets containing Etizolam were supplied to him by the petitioner. Thus, the petitioner was also arrayed as an accused in the present petition. Resultantly, he was



arrested on 15.07.2024. On completion of the investigation, the challan was presented and on framing of the charges, the trial commenced. The petitioner approached the Court of learned Judge, Special Court, Gurdaspur, praying for the grant of bail. However after hearing both the sides and finding no merit in the same, the learned Judge, Special Court, Gurdaspur, declined the bail application filed by the petitioner vide order dated 23.07.2024. Being aggrieved, the petitioner earlier approached this Court by way of filing CRM-M-37771-2024 praying for the grant of bail, however the same was dismissed as not pressed vide order dated 24.04.2025. Hence being aggrieved, the petitioner is again before this Court by way of filing the present second petition praying for the grant of regular bail.

3. Learned counsel for the petitioner has vehemently contended that the petitioner has been falsely implicated in the present case. He has submitted that neither there is any recovery effected from the petitioner nor he has been named in the FIR, however he has been arrayed as an accused in the present case on the basis of disclosure statement of co-accused, Lakhwinder Masih @ Jenni, from whom 430 tablets containing Etizolam were recovered. He has submitted that the disclosure statement of co-accused in itself is not even an admissible evidence. He has submitted that the petitioner was falsely implicated in various cases, however, he has been acquitted in some cases and in rest of the cases, he has already undergone the awarded sentence. He has submitted that the petitioner has been implicated in a premeditated manner by the investigating agencies. To buttress his arguments, learned counsel for the petitioner has submitted that the petitioner is behind bars since the date of



his arrest, however there is no progress in the trial and thus, his right of speedy trial has been defeated. He has submitted that in the facts and circumstances, the petitioner deserves to be granted bail.

4. *Per contra*, learned counsel for the State however has opposed the submissions made by learned counsel for the petitioner. He has submitted that the petitioner is a habitual offender, who is involved in 08 other cases. He has submitted that the contraband recovered from the co-accused weighs 49.02 grams of Etizolam, which is a commercial quantity and thus, the provisions of Section 37 of NDPS Act are attracted. He, on instructions, has submitted that out of 13 prosecution witnesses, 01 witness has been examined till date. He has produced custody certificate of the petitioner today in the Court and the same is taken on record.

5. Heard.

6. After hearing learned counsel for the parties and perusing the record, it is deciphered that the petitioner has been arrayed as an accused in the present case on the basis of disclosure statement of co-accused. The recovery of 430 tablets weighing 49.02 grams of Etizolam has been effected from the co-accused and not from the petitioner, which is a commercial quantity. Custody certificate produced would show that the petitioner has suffered incarceration of 01 year and 10 days as on 09.09.2025. It further reflects that the petitioner has faced prosecution in other cases as well, however on perusal of the same, in some of the cases, he has been acquitted and in others, he has already undergone the sentence. Out of 13 prosecution witnesses, one witness has been examined.

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 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.

9. This Court would refrain itself from commenting anything on the merits of the case. Keeping in view the arguments raised by both the sides and perusing the record, the Court is of the opinion that learned counsel for the petitioner succeeds in making out a case for the grant of bail. 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. 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.

10.09.2025

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

(RAJESH BHARDWAJ)
JUDGE