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

**CRM-M No.53216 of 2025
Date of Decision : 25.09.2025**

Hasratpal Singh @ Gopi**.....Petitioner**

versus

State of Punjab**..... Respondent****CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ**

Present: Mr. R. D. Rattewal, 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.338, dated 01.11.2023, under Sections 21(c), 25 & 29 of NDPS Act, 1985 registered at Police Station STF Wing, District SAS Nagar, Mohali.

2. Succinctly, the facts of the case are that the police party while on patrolling on 01.11.2023, received a secret information to the effect that Lovepreet Singh @ Love, Jabru Singh and Hasratpal Singh @ Gopi (petitioner) were involved in smuggling of heroin. It was informed that they were travelling in their black colour Cruze car carrying huge quantity of heroin and were waiting for their customers near S.K. Dhaba and in case of raid, they can be apprehended with a huge quantity of heroin. On finding the secret information reliable, a raiding party was constituted and they reached at the place disclosed. As informed, a car was found parked,



in which two persons were sitting and the third was standing outside the car. They were apprehended by the police party. On asking, they disclosed their names as Lovepreet Singh @ Love, Jabru Singh and Hasratpal Singh @ Gopi (petitioner). They were suspected to be carrying some contraband and thus, search of the car was conducted. On conducting the search of the car, two bags, containing 800 grams and 500 grams of heroin were recovered which in total, 1 Kg 300 grams of heroin. They failed to produce any licence regarding the conscious possession of the same and thus, the FIR was registered and all were arrested on the spot. On registration of the FIR, the investigation commenced. The petitioner approached the Court of learned Judge, Special Court, Amritsar praying for the grant of regular bail. However, after hearing both the sides and finding no merit in the same, the learned Judge, Special Court, Amritsar, declined the bail application filed by the petitioner vide order dated 25.08.2025. Hence being aggrieved, the petitioner is before this Court praying for the grant of bail by way of filing the present petition.

3. Learned counsel for the petitioner has submitted that the petitioner has been falsely implicated in the present case. He has submitted that FIR in the present case has been registered on the basis of secret information, however there is a violation of mandatory provisions of Section 42 of NDPS Act. He has submitted that there is a violation of provisions of Section 50 of NDPS Act as well in conducting the search. He, at the outset, has submitted that co-accused of the petitioner, namely, Lovepreet Singh @ Love, has already been granted bail by this Court vide order dated 17.09.2025 passed in CRM-M-57061-2024, and thus, case of the petitioner is at par with that of the co-accused. He has thus submitted



that on the basis of the parity, the petitioner deserves to be granted bail as case of the petitioner is similar to that of the co-accused, who has already been granted bail.

4. *Per contra*, learned State counsel has opposed the submissions made by counsel for the petitioner. He, on instructions, has submitted that the petitioner was specifically named in the secret information and during the search, he was along with the co-accused. He has submitted that the alleged recovery effected in the present case is 1 Kg 300 grams of heroin, which falls under the commercial quantity and thus the provisions of Section 37 of NDPS Act are attracted. He has placed on record custody certificate of the petitioner today in the Court and the same is taken on record. He has further endorsed the fact that co-accused of the petitioner, has already been granted bail by this Court.

5. Heard.

6. After hearing learned counsel for the parties and perusing the record, it is deciphered that FIR in the present case was registered on the basis of secret information. As per the case of prosecution, the recovery of 1 Kg 300 grams of heroin was recovered in the present case, which is commercial in nature. The petitioner was arrested on the spot on 01.11.2023. Custody certificate produced by the learned State counsel would reveal that the petitioner has suffered incarceration of 01 year, 10 months and 17 days as on 24.09.2025. Custody certificate produced would further shows that the petitioner is not involved in any other. Co-accused of the petitioner have already been granted bail by this Court.

7. 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 succeed in making out a case for the grant of bail to the petitioner on the basis of parity with the co-accused as stated above. Accordingly, present petition is allowed and 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.

25.09.2025

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(RAJESH BHARDWAJ)

JUDGE

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