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

CRM-M No.51623 of 2025

Gurbant Singh @ Bunt

..... Petitioner

versus

State of Punjab

..... Respondent

CRM-M No.57694 of 2025

Sonu Singh @ Soni

.....Petitioner

versus

State of Punjab

..... Respondent

Date of decision: 26.11.2025

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Karanjeet Singh Brar, Advocate
for the petitioner in CRM-M-51623-2025.

Mr. Karandeep Singh Sidhu, Advocate
for the petitioner in CRM-M-57694-2025.

Mr. Raj Karan Singh, 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.33, dated 23.04.2024, under Sections 21(c) & 23 of NDPS Act (Sections 379, 411 of IPC vide report No.23, dated 11.05.2024 and Section 29 of NDPS Act vide report No.40, dated 25.04.2024 added later on), registered at Police



Station Sadar Jalalabad, District Fazilka.

3. Succinctly, the facts of the case are that the police party, while on patrolling on 23.04.2024, saw a motorcycle coming towards the border, on which 03 persons were riding. On pointing torch by the police, driver of the motorcycle got scared and tried to escape. However with the help of police officials, all 03 persons were apprehended. On asking, driver of the motorcycle, disclosed his name to be Sonu Singh @ Soni (petitioner in CRM-M-57694-2025), whereas the person sitting in the middle, disclosed his name to be Angrej Singh @ Gaggi and the person sitting in the last, disclosed his name to be Gurbant Singh @ Bunty (petitioner in CRM-M-51623-2025). They were suspected to be carrying some contraband and thus, their search was conducted. On conducting the search of Sonu Singh @ Soni (petitioner in CRM-M-57694-2025) and Gurbant Singh @ Bunty (petitioner in CRM-M-51623-2025), no incriminating article was recovered, whereas from the search of Angrej Singh @ Gaggi, 500 grams of heroin from the pocket of his lower was recovered. They failed to produce any licence regarding the conscious possession of the same, thus, the FIR was registered and all 03 were arrested on the spot. On registration of the FIR, the investigation commenced. The samples taken were sent to the FSL. On receipt of the FSL, the challan was presented and on framing of charges, the trial commenced. The petitioners approached the Court of learned Judge, Special Court, Fazilka, praying for the grant of bail, however, after hearing both the sides and finding no merit in the same, the learned Judge, Special Court, Fazilka declined the bail applications of both the petitioners vide orders dated 05.12.2024 and 27.01.2025. Being aggrieved,



the petitioner, namely, Sonu Singh @ Soni (CRM-M-57694-2025) earlier approached this Court praying for the grant of bail by way of filing CRM-M-16425-2025, however the same was dismissed as withdrawn vide order dated 21.05.2025. Hence being aggrieved, the petitioner are before this Court praying for the grant of bail by way of filing the present petition.

4. Learned counsel for the petitioners have submitted that the petitioners have been falsely implicated in the present case. They have submitted that the alleged recovery in the present case has been effected from the public place, however no independent witness has been joined. They have submitted that there is a blatant violation of mandatory provisions of Section 50 of NDPS Act in conducting the search. To buttress their arguments, learned counsel for the petitioners have submitted that though the petitioners have been alleged to be riding the motorcycle, however admittedly, the recovery of contraband has been effected from the co-accused, namely, Angrej Singh @ Gaggi and not from the petitioners. They have submitted that though on the very same day, the petitioners have been roped in another case bearing FIR No.36, in which the petitioners have already been enlarged on bail by this Court vide orders dated 22.08.2025 and 26.09.2025, respectively, passed in CRM-M-44609-2025 and CRM-M-40938-2025. They have submitted that the petitioners are behind bars since the date of their arrest, i.e. 23.04.2024 and thus, have suffered incarceration of more than 1½ years, however the trial is in progress and thus, their right of speedy trial is miserably defeated. They have thus submitted that in the facts and circumstances, the petitioners deserve to be granted bail.

5. *Per contra*, learned counsel for the State has vehemently



opposed the submissions made by learned counsel for the petitioner. He has submitted that the petitioners are habitual offenders and all 03 accused were riding on the same motorcycle. He has submitted that even if the recovery has been effected from one of the co-accused, namely, Angrej Singh, the petitioners cannot escape the liability of carrying the contraband in their conscious possession. He has submitted that the recovered contraband weighs 500 grams of heroin, 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 total 17 prosecution witnesses, only 07 witnesses have been examined so far. He has produced custody certificates of both the petitioners today in the Court, which are taken on record.

6. Heard.

7. On hearing learned counsel for the parties and perusing the record, it is deciphered that the petitioners were arrested in the present case on 23.04.2024. The recovery of 500 grams of heroin was effected from the co-accused, namely, Angrej Singh, which is commercial in nature. Custody certificates produced would show that the petitioners have suffered incarceration of 01 year, 06 months and 28 days as on 24.11.2025. In the other case bearing FIR No.36 registered against the petitioners on the very same day, they are set to be on bail having been granted by this Court vide orders dated 22.08.2025 and 26.09.2025. Out of 17 prosecution witnesses, only 07 witnesses have been examined so far.

8. 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. 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 counsels for the petitioners succeed in making out a case for the grant of bail.
11. Accordingly, both the petitions are allowed and the petitioners, namely, Gurbant Singh @ Buntty (in CRM-M-51623-2025) and Sonu Singh @ Soni (in CRM-M-57694-2025) are ordered to be released on bail on their 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.

(RAJESH BHARDWAJ)
JUDGE

26.11.2025

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