



231

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

**CRM-M No.52132 of 2025
Date of Decision: 09.12.2025**

Gurpreet Singh **Petitioner**

Versus

State of Punjab **Respondent**

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Durga Dutt Sharma, 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.102, dated 05.04.2024, under Section 15 of NDPS Act (Section 29 of NDPS Act added later on), registered at Police Station City Kharar, District SAS Nagar, Mohali.

2. Succinctly the facts of the case are that the police party, while on patrolling on 05.04.2024, saw a truck make Ashoka Leyland 1515, bearing registration No.PB-11-CY-1389 was coming from Gaushala, Mundi towards Kharar. The driver of the truck, on seeing the police, stopped the truck and tried to reverse the same but he failed. The driver of the truck got down and tried to escape, however, the police could not nab him. In the meantime, one woman got down from the conductor side of the truck, who was arrested by the lady officials. On asking, she disclosed her name to be Amandeep Kaur, wife of Gurpreet Singh. On suspicion,



search of the truck was conducted and on conducting the search of the truck, 15 Kgs of Poppy Husk was recovered. On the disclosure statement of Amandeep Kaur, another quantity of 85 Kgs of Poppy Husk was recovered. She failed to produce any licence regarding the conscious possession of the same thus, the FIR was registered and she was arrested on the spot. The samples taken were sent to the FSL. On registration of the FIR, the investigation commenced. She disclosed that the person escaped was her husband, Gurpreet Singh, i.e. the petitioner. Thus the petitioner was also arrayed as an accused in the present case. Resultantly, the petitioner was arrested on 25.09.2024. On completion of the investigation, the challan was presented and on framing of charges, the trial commenced. The petitioner approached the Court of learned Judge, Special Court, SAS Nagar praying for the grant of bail, however after hearing both the sides and finding no merit in the same, the learned Judge, Special Court, SAS Nagar declined the bail application filed by the petitioner vide order dated 05.11.2024. Being aggrieved, the petitioner earlier approached this Court praying for the grant of bail by way of filing CRM-M-30863-2025, however the same was dismissed as withdrawn vide order dated 18.07.2025. Hence being aggrieved, the petitioner is again before this Court by way of filing the present second petition praying for the grant of bail.

3. Learned counsel for the petitioner has submitted that the petitioner has been falsely implicated in the present case. He has submitted that the petitioner and his wife were deliberately implicated in the present case. He has submitted that the petitioner is the owner of the truck, however the same was not involved in NDPS Act case. He has



submitted that the recovery of 15 Kgs of Poppy Husk effected from the Truck in itself shows the case planted upon the petitioner. He has submitted that the wife of petitioner was also arrested, however she has been enlarged on bail by this Court vide order dated 19.03.2025 passed in CRM-M-29352-2025. He has submitted that though the petitioner was involved in one more case, however his sentence has already been suspended. He has submitted that the petitioner is behind bars from last 1 year, however there is no material progress in the trial. He has submitted that in the facts and circumstances of the case, the petitioner deserves to be granted bail.

4. Learned counsel for the State has vehemently opposed the submissions made by learned counsel for the petitioner. He has submitted that the petitioner and his wife, both are involved in the case. He has submitted that the total recovery effected in the present case is 100 Kgs of Poppy Husk, which is commercial in nature and thus, the provisions of Section 37 NDPS Act are attracted. He, on instructions, has submitted that out of total 14 prosecution witnesses, no witness has been examined so far. He has produced custody certificate of the petitioner today in the Court and the same is taken on record.

5. Heard.

6. On hearing learned counsel for the parties and perusing the record, it is deciphered that the petitioner was arrayed as an accused in the present case on the basis of disclosure statement of his wife, i.e. Amandeep Kaur. The petitioner is behind bars since 25.09.2024. Co-accused of the petitioner, namely, Amandeep Kaur, who is the wife of petitioner has already been granted bail by this Court vide order dated



19.03.2025. The alleged recovery effected in the present case is 100 Kgs of Poppy Husk, which is commercial in nature. Custody certificate produced would show that the petitioner has suffered incarceration of 01 year, 02 months and 11 days on the 07.12.2025. It further reflects that the petitioner is not involved in any other case. Out of 14 prosecution witnesses, no witness has been examined so far.

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 succeeds in making out a case for the grant of bail.
10. 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.

09.12.2025

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Whether speaking/reasoned
Whether reportable

: Yes/No
: Yes/No

(RAJESH BHARDWAJ)
JUDGE