

2025:PHHC:086391



223 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-54910-2024
Date of Decision: 16.07.2025

Major Singh @ Mejar Singh @ Meju ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Lokesh Garg, Advocate for
Mr. Kushagra Mahajan, Advocate
for the petitioner(s).

Ms. Simran Goria, AAG, Punjab.

RAJESH BHARDWAJ, J. (ORAL)

1. Petitioner has approached this Court by way of present petition praying for granting regular bail in case FIR No.39 dated 16.03.2024 under Sections 21(c)/25/29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 registered at Police Station Lopoke, District Amritsar.

2. Succinctly, facts of the case are that on 16.03.2024, the police received a secret information to the effect that Gurpreet Singh and Satnam Singh were involved in smuggling of heroin. It was informed that both of them on their motorcycle were carrying the consignment of heroin to supply the same to some unknown customer and if a raid is conducted, they can be apprehended with a large quantity of heroin. On finding the secret information reliable, a raiding party proceeded to the place informed and conducted a covert roadblock to monitor the situation. As informed, a motorcycle was seen coming with two persons riding on it. They were apprehended by the police party. On asking, the rider of the

motorcycle disclosed his name Satnam Singh whereas the pillion rider disclosed his name Gurpreet singh. They were suspected to be carrying on some contraband. After giving offer for the personal search, the same was conducted. Upon which, 800 grams heroin was recovered from Satnam Singh whereas 600 grams heroin was recovered Gurpreet Singh. Thus, a total heroin weighing 1 Kg. and 400 grams was recovered from them. They failed to produce any licence regarding possession of the same. Hence, they were arrested on the spot and on registration of the FIR, the investigation commenced. During investigation, they made disclosure statement that the consignment of contraband recovered from them was supplied by Major Singh (petitioner). Thus, the petitioner was arrayed as an accused and arrested on 17.03.2024. The petitioner approached the Court of learned Additional Sessions Judge, Amritsar praying for grant of regular bail. However, after hearing both the sides, the learned Court finding no merit in the same, dismissed the bail application filed by the petitioner vide order dated 20.08.2024. Hence, the petitioner has approached this Court praying for grant of bail by way of filing the present petition.

3. It has been contended by learned counsel for the petitioner that the petitioner has been roped in the present case on the basis of the disclosure statement, which is not admissible as an evidence. He further submits that neither there was any recovery from the petitioner nor he was arrested at the spot. He submits that there is no credible evidence with the prosecution against the petitioner. He submits that the petitioner is involved in 02 other cases, however, he is on bail in those cases. It is submitted that the petitioner has completed incarceration of 01 year, 03 months and 25 days, but there is no progress in the trial. He, thus, submits that in view of the facts and circumstances of the case, the petitioner deserves to be granted bail.

4. Per contra, learned State counsel has opposed the submissions made

by counsel for the petitioner. She has submitted that total recovery of 1 Kg. and 400 grams of heroin was effected from the co-accused, which falls under the commercial quantity and hence, provisions of Section 37 of the NDPS Act are attracted. She submits that as per investigation, contraband recovered from the co-accused was supplied by the petitioner. She further submits that out of total 15 prosecution witnesses, no witness has been examined. She has placed on record short reply dated 15.07.2025 by way of affidavit of Mr. Inderjit Singh, PPS, Deputy Superintendent of Police, Sub-Division Rajasansi, Amritsar (Rural) as well as custody certificate of the petitioner.

5. After hearing counsel for the parties and perusing the record, it is deciphered that the present FIR has been lodged on the basis of the disclosure statement of co-accused. The recovery in the instant case is though of commercial quantity but the same has been effected from the co-accused. Out of total 15 prosecution witnesses, no witness has been examined till date. The custody certificate would reflect that the petitioner has suffered incarceration of 01 year, 03 months & 25 days as on 15.07.2025. It further reflects that the petitioner is involved in two other cases under the NDPS Act although he is on bail in these cases.

6. 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

21it 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.'

7. 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. This Court would refrain itself from commenting anything on the merits of the case. The trial of the case will take sufficient long time. Thus, keeping in view the arguments raised by both the sides, this Court is of the opinion that learned counsel for the petitioner succeeds in making out a case for grant of regular bail to the petitioner.

8. 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.
9. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

16.07.2025
Parveen kumar

(RAJESH BHARDWAJ)
JUDGE

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