



CRM-M-53652-2025

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

CRM-M-53652-2025

Date of Decision: 26.09.2025

Lovejeet Singh @ Lovejit Singh @ Love

..... Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Karandeep Singh Sidhu, Advocate, for the petitioner.

Mr.Raj Karan Singh, AAG, Punjab.

Rajesh Bhardwaj, J. (ORAL)

1. Petitioner has approached by way of filing the present petition praying for grant of regular bail in case FIR No.170 dated 30.07.2022 under Section 21 of NDPS Act, 1985 (Section 29 of NDPS Act and Section 25 of Arms Act added lateron), registered at Police Station City Moga, District Moga.

2. Succinctly the facts of the case are that the police party, while patrolling on 30.07.2022, received a secret information to the effect that Lovejeet Singh @ Love (petitioner), who is a proclaimed offender, Bikram @ Honey, Ranjit Singh @ Mani, Bhupinder Singh @ Bittu are residing in a house on rent owned by Jaspreet Singh @ Jandu and they all in connivance with each other are involved in selling heroin. It was informed that in case of raid, they can be arrested alongwith the contraband. On receiving the secret information, a raiding team was constituted and raid was conducted on the disclosed place. All the four persons named in the secret information were apprehended and 500 grams of heroin alongwith Rs.10,45,800/- drug money and 315 bore country made pistol, were recovered from the possession of the



petitioner and 500 grams of heroin was also recovered from the possessions of co-accused Bikram @ Honey, Ranjit @ Mani and Bhupinder Singh @ Bittu. 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 samples taken were sent to the FSL. The petitioner approached the Court of learned Judge, Special Court, Moga praying for the grant of bail. However, after hearing both the sides finding no merit in the same, learned Court declined the petition filed by the petitioner vide order dated 21.05.2024. Hence being aggrieved, the petitioner is before this Court by way of filing the present petition praying for the grant of regular bail.

3. Learned counsel for the petitioner, at the outset, prays for the grant of bail to the petitioner on the basis of parity with that of the co-accused, namely, Bikram @ Vikram @ Honey. He has drawn the attention of this Court to the order dated 20.05.2024 passed in **CRM-M-7728-2024**, whereby, co-accused Bikram @ Vikram @ Honey has been granted regular bail by this Court. He submits that the petitioner is in custody since 30.07.2022, however, till date the prosecution has not been able to conclude the trial and thus, his right of speedy trial has been miserably defeated. He submits that on the basis of the parity, the petitioner deserves to be granted bail as the case of the petitioner is similar to that of the said co-accused, who has already been granted bail.

4. Per contra, learned State counsel has vehemently opposed the submissions made by counsel for the petitioner. He has submitted that 500 grams of heroin and Rs.10,45,800/- drug money were recovered from the



petitioner. The contraband recovered from the petitioner falls under the commercial quantity and thus, provisions of Section 37 of the NDPS Act, are attracted. However, he acknowledges that co-accused Bikram @ Vikram @ Honey has been granted bail by this Court. On instructions, he submits that out of total 41 prosecution witnesses, 03 witnesses have been examined. He has placed on record the custody certificate of the petitioner and has submitted that the petitioner is involved in 11 other cases.

5. After hearing learned counsel for the parties and perusing the record, it is deciphered that the petitioner is behind bars since 30.07.2022. Co-accused, namely, Bikram @ Vikram @ Honey is on bail. Custody certificate of the petitioner shows that the petitioner has suffered incarceration of 03 years, 01 month & 16 days as on 24.09.2025. It further reflects that the petitioner is involved in 11 more cases, however, in three cases he has completed his sentence. Speedy trial is the fundamental right of every accused.

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.

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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.

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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 trial of the case is likely to take sufficient time. Speedy trial is the right of every accused. The Hon’ble Supreme Court in **Ashim @ Asim Kumar Haranath Bhattacharya @ Asim Harinath Bhattacharya @ Aseem Kumar Bhattacharya Vs. National Investigation Agency, 2022(1) SCC 695** has held as under:

“Deprivation of personal liberty without ensuring speedy trial is not consistent with Article 21 of the Constitution of India. While deprivation of personal liberty for some period may not be avoidable, period of deprivation pending trial/appeal cannot



be unduly long. At the same time, timely delivery of justice is part of human rights and denial of speedy justice is a threat to public confidence in the administration of justice.”

8. The Hon’ble Supreme Court in a recent decision dated 03.07.2024 in **Javed Gulam Nabi Shaikh Vs. State of Maharashtra, Criminal Appeal No. 2787 of 2024,** has held that howsoever serious a crime may be, an accused has the right to speedy trial under the Constitution of India. Though the petitioner is involved in 11 other cases, however, the same cannot be a ground for non-consideration of his bail, specially when co-accused is already on bail.

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, 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. 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.

10. It is being clarified that in case the petitioner does not furnish bail/surety bonds within a period of one week from today, his custody will not be counted in the present case after one week.

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

26.09.2025
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(RAJESH BHARDWAJ)
JUDGE

Whether Speaking/Reasoned :	Yes/No
Whether Reportable :	Yes/No