



217+220 (2 cases)
IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

1. CRM-M-59371-2025

Kamalpreet Singh @ Kamal**Petitioner**

versus

State of Punjab **Respondent**

2. CRM-M-62176-2025

Gurpreet Singh @ Gopi**Petitioner**

versus

State of Punjab **Respondent**

Date of decision : 12.12.2025

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Samar Pratap Singh Ahluwalia, Advocate
for the petitioner in CRM-M-59371-2023.

Ms. Meenu Verma, Legal Aid counsel (through V.C.)
for the petitioner in CRM-M-62176-2025.

Mr. Raj Karan Singh, A.A.G., Punjab.

RAJESH BHARDWAJ, J. (Oral)

1. By way of this common order, this Court intend to dispose of abovesaid two petitions as they have arisen out of the same FIR.
2. Petitioners have approached this Court by way of present petitions praying for granting them regular bail in case FIR No.0171 dated 30.07.2024, under Sections 22-61-85 of Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Tanda, District Hoshiarpur.
3. Succinctly, the facts of the present case are that the police



party, while on patrolling on 30.07.2024, when reached near Gurala Turn, they saw two youngsters coming on foot on the *Kacha* path from the village Miani side. On seeing the police, both of them got perplexed and started running. However, on suspicion both of them were over powered by the police party. On asking, they disclosed their names to be Gurpreet Singh @ Gopi (petitioner in CRM-M-62176-2025) and Kamalpreet Singh @ Kamal (petitioner in CRM-M-59371-2025). They were suspected to be carrying some contraband, thus, on giving the offer, search was conducted. On conducting search of Gurpreet Singh @ Gopi, 75 tablets of Etizolam were recovered from the right pocket of his trouser whereas from the search of Kamalpreet Singh @ Kamal, 90 tablets of Etizolam were recovered from the right pocket of his trouser. They failed to produce any licence regarding possession of the same and hence, the FIR was registered and they were arrested on spot. The investigation commenced. The samples taken were sent to the FSL. On receipt of FSL report, challan was presented and on framing of charges, the trial commenced. Petitioner-Kamalpreet Singh @ Kamal approached Learned Additional Sessions Judge, Hoshiarpur and Petitioner-Gurpreet Singh @ Gopi, approached Ld. Judge, Special Court, Hoshiarpur, praying for grant of bail, however, finding no merit, their applications were declined after hearing both the sides by Learned trial Courts vide orders dated 07.03.2025 and 02.09.2024, respectively. Aggrieved by the same, petitioners are before this Court by way of filing of present petitions.

4. Learned counsels for the petitioners have contended that the petitioners have been falsely implicated in the present case. It is submitted that the alleged recovery has been effected from a public place, however, no independent witness was joined by the investigating agencies. It is



submitted that the compliance of Section 50 of NDPS Act, was mandatory while conducting the search, however, there is a blatant violation of the same. It is submitted that the petitioners are involved in one more case under the NDPS Act, however, they are on bail in the same. It is submitted that petitioners are behind bars since the date of their arrest and the prosecution witnesses who are official witnesses are intentionally not appearing before the trial Court only in order to prolong their incarceration. It is submitted that Ld. Judge, Special Court had issued the bailable warrants to secure their presence. It is thus, submitted that the fundamental right of their speedy trial is being defeated in the facts and circumstances of the case.

5. Learned State counsel has opposed the submissions made by the counsel for the petitioners and submits that both the petitioners were arrested on the spot. He submits that the alleged recovery effected from petitioner-Kamalpreet Singh @ Kamal is 90 tablets weighing 10.53 grams of Etizolam whereas from petitioner-Gurpreet Singh @ Gopi the alleged recovery effected is 75 tablets weighing 8.775 grams of Etizolam, which is a commercial quantity and thus, provisions of Section 37 of NDPS Act, are attracted. He, on instructions, has submitted that out of total 07 prosecution witnesses, none has been examined. He has produced the custody certificates of the petitioners on record.

6. On hearing counsel for the parties and perusing the record, it is deciphered that the petitioners have been arrested in the present case on 30.07.2024. The alleged recovery was effected from a public place. The recovery effected in the present case falls under the category of commercial quantity. As per custody certificate, petitioners have suffered incarceration of 01 year, 04 months and 10 days as on 11.12.2025. It



further reflects that petitioner-Gurpreet Singh @ Gopi is involved in one more case, however, he has been acquitted in the same. As submitted before this Court, out of total 07 witnesses, none has been examined. There is no denial to the fact that petitioners have the right of speedy trial.

7. In view of the facts and circumstances of the present case, this Court cannot ignore the fact that the speedy trial is the fundamental right of every accused. 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. 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.”

10. 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.



11. This Court would refrain itself from commenting anything on the merits of the case. Thus, keeping in view the overall facts and circumstances of the case, this Court is of the opinion that learned counsel for the petitioners succeed in making out a case for grant of regular bail. Accordingly, both the petitions are allowed. Petitioners 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.

12.12.2025
ps-I

(RAJESH BHARDWAJ)
JUDGE

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