



CRM-M-61000-2025

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

CRM-M-61000-2025

Date of Decision: 22.12.2025

Gurjatinder Singh @ Pintoo @ Pinku

..... Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Ms. Kamlesh, Advocate, for the petitioner.

Mr.Raj Karan Singh, AAG, Punjab.

Rajesh Bhardwaj, J. (ORAL)

1. Prayer in the present petition is for grant of regular bail to the petitioner in a case FIR No.97 dated 11.08.2024, registered under Sections 16/61/85 of NDPS Act, 1985, at Police Station Amargarh, District Malerkotla.

2. Succinctly, facts of the case are that on 11.08.2024, the police party while on patrolling received a secret information to the effect that Gurjatinder Singh @ Pintoo (petitioner) is habitual of selling poppyhusk. It was informed that in truck No.PB-46-M-8545 is waiting for his customers in Grain Market Tolewal to sell the poppyhusk. In case of raid, he could be arrested alongwith the contraband. On receiving the information, raiding team reached the place as disclosed and found the said truck parked there. One person was found sitting in the truck, who got scared on seeing the police. The police party took him down from the truck and asked his name. On asking, he disclosed his name to be Gurjatinder Singh @ Pintoo. He was suspected to be carrying some contraband in the truck and thus, search of the truck was conducted. On conducting search of the same, five plastic bag



each weighing 30 kgs of poppyhusk were recovered from the rear side of the truck. Total 150 kgs of poppyhusk was recovered. He failed to produced any licence regarding the possession of the same, and thus, on registration of the FIR, he was arrested. The investigation commenced. Samples taken were sent to the FSL. On completion of investigation, challan was presented and on framing of charges, the trial commenced. The petitioner approached the Court of learned Judge, Special Court, Malerkotla 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 29.07.2025. Hence, the petitioner has approached this Court praying for grant of regular bail by way of filing the present petition.

3. It has been vehemently contended by learned counsel for the petitioner that the petitioner has been falsely and frivolously implicated in the present case. She submits that there is a blatant violation of Section 42 of the NDPS Act in conducting search, as the FIR was registered on the basis of secret information. She submits that the alleged recovery has been effected from a public place, however, no independent witness has been joined. She further submits that the petitioner has no criminal antecedents as he has never been involved in any other criminal case except the present case and thus, false implication of the petitioner in the present case is writ large. She submits that the petitioner is behind the bars from the last more than one year, however, there is no material progress in the trial, and thus, his right of speedy trial is miserably defeated. She, thus, submits that the petitioner deserves to be granted bail.

4. *Per contra*, learned State counsel has vehemently controverted



the submissions made by counsel for the petitioner. It is submitted that 150 kgs of poppyhusk was effected from the truck possessed by the petitioner, which is a commercial quantity and thus, provisions of Section 37 of the NDPS Act, are attracted in the present case. On instructions, he has submitted that out of total 18 prosecution witnesses, no witness has been examined till date. He has placed on record the custody certificate of the petitioner.

5. After hearing counsel for the parties and perusing the record, it is deciphered that case of the prosecution is based on the secret information. The alleged recovery effected from the petitioner is from a public place. As submitted before this Court, no witness has been examined out of 18 prosecution witnesses. The custody certificate would show that the petitioner has suffered incarceration of 01 year, 04 months & 07 days as on 21.12.2025. It further shows that the petitioner has no criminal antecedents. 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 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. Keeping in view the arguments raised by both the sides and perusing the record, 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.

22.12.2025

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(RAJESH BHARDWAJ)

JUDGE

Whether Speaking/Reasoned :

Whether Reportable :

Yes/No

Yes/No