



CRM-M-61445-2025

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

CRM-M-61445-2025

Date of decision : 10.11.2025

Gurwinder Singh @ Geja

.....Petitioner

versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Damanjit Singh Sandhu, Advocate
for the petitioner.

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

RAJESH BHARDWAJ, J. (Oral)

1. Present petition has been filed for grant of regular bail to the petitioner in case FIR No.71 dated 18.06.2024, under Section 22 of Narcotic Drugs and Psychotropic Substances Act, 1985 (Section 29 of NDPS Act, added lateron), registered at Police Station Bhogpur, District Jalandhar.

2. Succinctly the facts of the case are that on 18.06.2024, the police party while on patrolling, saw a person on the street of the village. On seeing the police, he got perplexed and threw a black coloured polythene packet on the ground. On suspicion, he was apprehended and on asking, he disclosed his name to be Gurwinder Singh @ Geja (Petitioner). He was suspected to be carrying some contraband in the polythene packet thrown by him. The same was searched and on conducting the search, 100 loose intoxicating tablets were recovered. He failed to produce any licence regarding possession of the same. Thus, FIR was registered and he was arrested on the spot. On registration of FIR, the



investigation commenced. Samples taken were sent to the FSL. On receiving the FSL report, the intoxicating tablets were found to be containing Etizolam weighing 9.3 grams. On presentation of challan, charges were framed and the trial commenced. The petitioner approached learned Additional Sessions Judge, Jalandhar for grant of bail, however, after hearing both the sides, the same was declined by the trial Court vide order dated 22.08.2025. Aggrieved by the same, petitioner is before this Court by way of filing the present petition.

3. Learned counsel for the petitioner has contended that the petitioner has been falsely implicated in the present case. He submits that the alleged recovery has been effected from a public place, however, no independent witness was joined by the investigating agency. He submits that compliance of provisions of Section 50 of NDPS Act was mandatory in conducting the search, however, there is violation of the same. He submits that recovery of 100 intoxicating tablets has been planted upon the petitioner. He further submits that even though the petitioner was convicted in one more case, however, his sentence has already been suspended. He thus, submits that in 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 the counsel for the petitioner. He has submitted that the recovered contraband found to be containing 9.3 grams of Etizolam, is a commercial quantity and thus, provisions of Section 37 of NDPS Act, are attracted in the present case. He, on instructions, has submitted that out of total 09 prosecution witnesses, only 02 witnesses have been examined so far. He has produced the custody certificate of the petitioner on record.



5. On hearing counsel for the parties and perusing the record, it is deciphered that the petitioner was arrested on 18.06.2024. Till date, only 02 witnesses have been examined. The custody certificate produced would show that the petitioner has suffered an incarceration of 10 months and 24 days as on 07.11.2025. Though petitioner is involved in one another case, however, his sentence has already been suspended in the same.

6. 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.*

7. The veracity of the allegations would be assessed only after conclusion of the trial and on the appreciation of evidence to be led by both the parties before the trial Court.

8. The trial of the case will take sufficiently long time. Thus, keeping in view the overall facts and circumstances of the case, this Court is of the opinion that learned counsel for the petitioner succeeds in making out a case for grant of regular bail. 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 Court/Duty Magistrate.

(RAJESH BHARDWAJ)
JUDGE

10.11.2025

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