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

**CRM-M No.65092 of 2024  
Date of decision : 08.08.2025**

**Gurmeet Singh @ Meet**

**.....Petitioner**

**versus**

**State of Punjab**

**..... Respondent**

**CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ**

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Present :- Mr. Ruhani Chadha, Advocate and  
Mr. Keshav Chadha, Advocate  
for the petitioner.

Ms. Simran Gorla, Asstt. A.G., Punjab.

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**RAJESH BHARDWAJ, J. (Oral)**

1. Present petition has been filed praying for the grant of regular bail to the petitioner in case bearing FIR No.171, dated 20.09.2023, under Section 21 of NDPS Act, 1985 (Section 29 of NDPS Act added later on vide rapat No.38 dated 22.09.2023), registered at Police Station Lopoke, Amritsar.

2. Succinctly the facts of the case are that the police party, while on patrolling on 20.09.2023, saw a car coming from the village Manj and the driver of the car, on seeing the police, tried to reverse the car. However on suspicion, the car was stopped. Driver of the car came out of the car and started to run away with an envelope, which he was holding in his hand and then, he threw the same on the side of the road. However he was



apprehended and on asking, he disclosed his name to be Gurmeet Singh @ Meet (petitioner). The envelope thrown by him was searched and it was found to be containing heroin which on weighing was found to be 1 Kg 15 grams. He failed to produce any licence regarding the conscious possession of the same and thus, the FIR was registered and he was arrested on the spot. On registration of the FIR, the investigation commenced. The samples taken were sent to the FSL and on receiving the report of FSL, the challan was presented. On framing of the charges, the trial commenced. The petitioner approached the Court of learned Judge, Special Court, Amritsar praying for grant of regular bail, however, after hearing both the sides and finding no merit in the same, the learned Judge, Special Court, Amritsar dismissed the bail application filed by the petitioner vide order dated 09.12.2024. Hence being aggrieved, the petitioner is before this Court praying for the grant of bail by way of filing the present second petition.

3. Learned counsel for the petitioner has vehemently contended that the petitioner has been falsely implicated in the present case. He has submitted that neither the petitioner is owner of the car nor he carried any contraband with him as alleged. He has submitted that the alleged recovery has been planted upon the petitioner in a premeditated manner. He has submitted that the alleged recovery has been effected from the public place, however no independent witness was joined. He has submitted that there is a violation of mandatory provisions of Section 50 of NDPS Act in conducting search. He has submitted that the petitioner is behind bars since the date of his arrest, i.e. 20.09.2023, however there is no material progress in the trial. He has submitted that though the



petitioner was falsely implicated in one more case, however he is on bail in that case. He has submitted that in the facts and circumstances, the petitioner deserves to be granted regular bail.

4. Affidavit of Maninder Singh, IPS, Senior Superintendent of Police, District Amritsar (Rural) on behalf of the respondent-State has been filed by learned State counsel today in the Court and the same is taken on record. Copy thereof has been supplied to learned counsel for the petitioner.

5. *Per contra*, learned State counsel has opposed the submissions made by counsel for the petitioner. She has submitted that the petitioner was arrested on the spot along with the contraband. She has submitted that the recovery of contraband weighed 1 Kg 15 grams of heroin, which is a commercial quantity and thus the provisions of Section 37 of NDPS Act are attracted. She, on instructions, has submitted that out of 12 prosecution witnesses, 04 witnesses have been examined till date. She has placed on record custody certificate of the petitioner dated 07.08.2025 today in the Court and the same is taken on record.

6. Heard.

7. After hearing learned counsel for the parties and perusing the record, it is deciphered that the recovery effected from the petitioner is 1 Kg 15 grams of heroin, which is a commercial quantity. Only 04 witnesses have been examined till date, out of total 12 prosecution witnesses. Custody certificate produced would show that the petitioner has completed incarceration of 01 year, 10 months and 15 days as on 07.08.2025. As per the submissions made, the petitioner is involved in one more case.



8. 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"<sup>22</sup> (also see*



*Donald Clemmer's 'The Prison Community' published in 1940<sup>23</sup>). 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.”*

9. 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.

10. This Court would refrain itself from commenting anything on the merits of the case. Keeping in view the arguments raised by both the sides and perusing the record, the Court is of the opinion that learned counsel for the petitioner succeeds in making out a case for the grant of bail. Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on her 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.

08.08.2025  
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(RAJESH BHARDWAJ)  
JUDGE

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