



272

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

**CRM-M No.63777 of 2025
Date of decision: 18.11.2025**

Rajpreet Singh @ Raju

.....Petitioner

versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Abhaysher Singh, Advocate
for the petitioner.

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

RAJESH BHARDWAJ, J. (Oral)

1. Present third petition has been filed praying for the grant of regular bail to the petitioner in case bearing FIR No.120, dated 24.07.2024, under Section 15(c) of NDPS Act, 1985 (Section 29 of NDPS added later on vide GD No.2 dated 25.07.2024 and Section 27 of NDPS Act added later on vide DDR No.47 dated 25.07.2024), registered at Police Station Lambi, District Sri Muktsar Sahib, Punjab.
2. Succinctly the facts of the case are that the police party, while on patrolling on 24.07.2024, received a secret information to the effect that Gurbachan Singh S/o Gurnam Singh is involved in selling of poppy husk. It was informed that he has stored heavy quantity of poppy husk in his house and in case of raid, he could be apprehended along with the contraband. On receiving the secret information, the raiding party was constituted and reached at the place, as disclosed in the secret information, where



Gurbachan Singh was found present. Thereafter, search of the house of Gurbachan Singh was conducted and on conducting the search, 03 quintals of poppy husk were recovered from his house. He failed to produce any licence regarding the conscious possession of the same. 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. On receiving the FSL report, the challan was presented and on framing of charges, the trial commenced. During the investigation, Gurbachan Singh made a disclosure statement about the complicity of the petitioner alleging him to be the supplier of the contraband. Thus, the petitioner was arrayed as an accused in the present case and resultantly, he was arrested on 27.07.2024. The petitioner approached the Court of learned Judge, Special Court, Sri Muktsar Sahib praying for the grant of bail. However, after hearing both the sides and finding no merit in the same, the learned Judge, Special Court, Sri Muktsar Sahib declined the bail application filed by the petitioner vide order dated 23.01.2025. Being aggrieved, the petitioner earlier approached this Court twice by way of filing CRM-M-8442-2025 and CRM-M-40145-2025, however the same were dismissed as withdrawn vide orders dated 28.04.2025 and 02.08.2025. Hence being aggrieved, the petitioner is again before this Court praying for the grant of bail by way of filing the present third petition.

3. Learned counsel for the petitioner has contended that the petitioner has been falsely implicated in the present case. He has submitted that admittedly, the alleged recovery has been effected from co-accused, namely, Gurbachan Singh, however, he has been implicated in the present case, only on the basis of disclosure statement, which is not even an



admissible evidence. To buttress his arguments, he has submitted that the petitioner has no criminal antecedents as he has never been involved in any other criminal case. He has submitted that the petitioner is behind bars from last more than 01 year, however, there is no material progress in the trial. He has submitted that case of the petitioner is at par with co-accused, namely, Angrej Singh @ Lally, who has been granted bail by this Court vide order dated 28.10.2025, passed in **CRM-M-58480-2025**. He has submitted 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 opposed the submissions made by the counsel for the petitioner. He has submitted that complicity of the petitioner has been surfaced during the investigation. He has submitted that the petitioner was one of the supplier of the contraband recovered from co-accused, namely, Gurbachan Singh, which is a commercial quantity and thus, the provisions of Section 37 of NDPS Act are attracted in the present case. He has endorsed the factum of grant of bail to the co-accused of the petitioner as stated above and has not denied that the petitioner is at par with co-accused, namely, Angrej Singh @ Lally. He has produced custody certificate of the petitioner today in the Court, which is taken on record.

5. Heard.

6. On hearing counsel for the parties and perusing the record, it is deciphered that the petitioner was arrayed as an accused in the present case only on the basis of disclosure statement of co-accused, namely, Gurbachan Singh. Recovery of 03 quintals of poppy husk was effected from the said co-accused. Custody certificate produced would show that the petitioner has



suffered an incarceration of 01 year, 03 months and 18 days as on 16.11.2025. It further reflects that the petitioner has no criminal antecedents. Co-accused of the petitioner has already been granted bail by this Court vide order dated 28.10.2025 passed in CRM-M-58480-2025.

7. 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. xxxxxx

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. xxxxxx

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 conclusion of the trial and on the appreciation of evidence to be led by both the parties before the trial Court.
9. 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 on parity.
10. 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. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

18.11.2025
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(RAJESH BHARDWAJ)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No