



274

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

**CRM-M No.66721 of 2025
Date of Decision: 03.12.2025**

Naib Singh**..... Petitioner**

Versus

State of Punjab**..... Respondent****CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ**

Present: Mr. Jashandeep Singh Sandhu, Advocate
for the petitioner.

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

RAJESH BHARDWAJ, J. (ORAL)

1. Present second petition has been filed praying for the grant of regular bail to the petitioner in case bearing FIR No.137, dated 24.07.2023, under Section 21, 25 of NDPS Act (Section 29 of NDPS Act added later on), registered at Police Station Sidhwan Bet, District Ludhiana Rural, Ludhiana, Punjab.

2. Succinctly the facts of the case are that the police party, while on patrolling on 24.07.2023, received a secret information to the effect that Surinder Singh and Naib Singh (petitioner) were involved in selling of heroin. It was informed that they were coming from Gagkalan to Sidhwan Bet for selling the heroin on their Apache Motorcycle bearing registration No.PB-08-DT-9155 and in case of barricading, they could be apprehended along with the contraband. On receiving the secret information, the raiding party was constituted and the barricading was laid at the place as disclosed in the secret information. A motorcycle, as disclosed, was seen



coming on which 2 persons were riding. However, on suspicion, they were apprehended and on asking, driver of the motorcycle disclosed his name to be Surinder Singh whereas the person riding pillion, disclosed his name to be Naib Singh (petitioner) and he was holding a carrot coloured bag. They were suspected to be carrying some contraband and thus, their search was conducted. On conducting the search of the bag being carried by Naib Singh (petitioner), 3 Kgs of heroin was recovered. They failed to produce any licence regarding the conscious possession of the same and thus, the FIR was registered and both were arrested on the spot. On registration of the FIR, the investigation commenced. The samples taken were sent to the FSL and on receipt of FSL report, the challan was presented and on framing of charges, the trial commenced. The petitioner approached the Court of learned Judge, Special Court, Ludhiana praying for the grant of bail, however after hearing both the sides and finding no merit in the same, the learned Judge, Special Court, Ludhiana declined the bail application filed by the petitioner vide order dated 15.03.2024. Being aggrieved, the petitioner earlier approached this Court by way of filing CRM-M-62662-2024, however the same was dismissed as not pressed vide order dated 20.02.2025. Hence being aggrieved, the petitioner is again before this Court by way of filing the present second petition praying for the grant of bail.

3. Learned counsel for the petitioner has submitted that the petitioner has been falsely implicated in the present case. He, at the outset, prays for the grant of bail to the petitioner on the basis of parity with that of the co-accused, namely, Surinder Singh. He has drawn the attention of this Court to the order dated 13.11.2025 passed in **CRM-M-22343-2025**,

whereby, co-accused, namely, Surinder Singh has been granted regular



bail by this Court. He has submitted that the petitioner is behind bars since the date of his arrest and thus, has suffered an incarceration of more than 02 years. 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. Learned counsel for the State has vehemently opposed the submissions made by learned counsel for the petitioner. He has submitted that the petitioner was specifically named in the secret information. He has submitted that on conducting the search, 03 Kgs of heroin was recovered, which is a commercial quantity and thus, the provisions of Section 37 of NDPS Act are attracted. 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 the co-accused, namely, Surinder Singh. He has submitted that the petitioner is involved in other cases as well. He has produced custody certificate of the petitioner today in the Court and the same is taken on record.

5. Heard.

6. On hearing learned counsel for the parties and perusing the record, it is deciphered that the FIR was registered on the basis of secret information and the petitioner was arrested on the spot on 24.07.2023. The alleged recovery of 3 Kgs of heroin has been effected in the present case, which is commercial in nature. Custody certificate produced would show that the petitioner has suffered incarceration of 02 years, 04 months and 03 days as on 03.12.2025. It further reflects that the petitioner is involved in 03 other cases, however in 01 case, he has been convicted and completed the sentence. Co-accused of the petitioner, namely, Surinder Singh, has already been granted bail by this Court vide order dated



13.11.2025. 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.

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. 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. 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 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 trial Court/Duty Magistrate. Nothing said herein shall be treated as an expression of opinion on the merits of the case. However, if the petitioner does not furnish the bail bonds within seven days from today, then his further custody period after one week will not be counted in this case.

(RAJESH BHARDWAJ)
JUDGE

03.12.2025

<i>rittu</i>	Whether speaking/reasoned	:	Yes/No
	Whether reportable	:	Yes/No