



CRM-M-4503-2026

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CRM-M-5835-2026

205 (2 cases)

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

1. CRM-M-4503-2026

Sona Singh @ SonuPetitioner

versus

State of Punjab Respondent

2. CRM-M-5835-2026

Jatinder SinghPetitioner

versus

State of Punjab Respondent

Date of decision : 22.05.2026

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Vishal Sauda, Advocate
for the petitioner in CRM-M-4503-2026.

Mr. Kuldip Singh, Advocate
for the petitioner in CRM-M-5835-2026.

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

RAJESH BHARDWAJ, J. (Oral)

1. By way of this common order, this Court intend to dispose of abovesaid two petitions as they have arisen out of the same FIR.

2. Petitioners have approached this Court by way of present petitions praying for granting them regular bail in case FIR No.253 dated 13.06.2025, under Sections 21(C) and 29 of Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station City Faridkot, District Faridkot.

3. Succinctly, the facts of the present case are that the police party, while on patrolling on 13.06.2025, when reached ahead of the petrol pump on Jail road, saw a vehicle bearing No.HR-72B-4120 make Thar,



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was standing in a deserted plot. On seeing the police, driver of the vehicle tried to move away, however, on suspicion, the police party stopped the said vehicle, wherein 02 young men were sitting. On asking, driver of the vehicle disclosed his name to be Varinder Singh @ Vindu and the other person disclosed his name to be Surjit Singh. They were suspected to be carrying some contraband, thus, on giving the offer, search was conducted. On conducting the search, 300 grams of heroin was recovered from the transparent wax envelope lying in the car. They failed to produce any licence regarding possession of the same and hence, the FIR was registered and they were arrested on spot. The investigation commenced. The samples taken were sent to the FSL. During investigation, complicity of petitioners surfaced and petitioners-Sona Singh @ Sonu (in CRM-M-4503-2026) and Jatinder Singh (in CRM-M-5835-2026) were arrested on 17.06.2025. On receipt of FSL report, challan was presented and on framing of charges, the trial commenced. Petitioners approached Learned Judge, Special Court, Faridkot praying for grant of bail, however, finding no merit, their applications were declined after hearing both the sides by Learned trial Courts vide orders dated 02.12.2025 and 24.12.2025, respectively. Aggrieved by the same, petitioners are before this Court by way of filing of present petitions praying for grant of bail.

4. Learned counsels for petitioners have submitted that the petitioners have been falsely implicated in the present case. It is submitted that neither the petitioners were named in the FIR nor any recovery has been effected from them. It is submitted that the petitioners have been arrayed as an accused in the present case only on the basis of disclosure statement of co-accused, which is not even an admissible evidence. It is submitted that admittedly, the petitioners were behind bars at the time of



recovery. It is submitted that the even otherwise the recovery effected is in violation of mandatory provisions of Section 50 of the NDPS Act. It is thus, submitted that in the facts and circumstances of the case, petitioners deserve the concession of bail.

5. Learned State counsel has opposed the submissions made by counsel for the petitioners and submits that though both the petitioners were behind bars at the time of recovery effected i.e. 300 grams of heroin from co-accused, namely, Varinder Singh @ Vindu and Surjit Singh, however, complicity of the petitioners duly surfaced during the investigation. He submits that on the basis of call record collected, complicity of petitioner-Jatinder Singh surfaced and the contraband was supplied to petitioner-Sona Singh @ Sonu, in the Jail. He submits that the recovery effected in the present case is of 300 grams of heroin, which falls under the category of commercial quantity and thus, provisions of Section 37 of NDPS Act, are attracted. He, on instructions, has submitted that out of total 19 prosecution witnesses, none has been examined so far. He has produced the custody certificates of the petitioners on record.

6. On hearing counsel for the parties and perusing the record, it is deciphered that admittedly, recovery of 300 grams of heroin has been effected in the present case from co-accused, namely, Varinder Singh @ Vindu and Surjit Singh. The petitioners were admittedly behind bars on the date of recovery and they have been arrayed as an accused on the basis of the disclosure statement of the co-accused. Admittedly, the recovery is of 300 grams of heroin, which falls under the category of commercial quantity. As per custody certificate, petitioner-Sona Singh @ Sonu has suffered incarceration of 06 months and 16 days. It further reflects he is involved in 10 more cases, however, in majority of cases, he is on bail. So



far as petitioner-Jatinder Singh, is concerned, he has suffered an incarceration of 11 months and 03 days. It further reflects that he is involved in 05 more cases, however, in 03 cases he is on bail and in 01 case, he has been acquitted. Out of total 19 prosecution witnesses, none has been examined so far.

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.

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.

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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.*

9. This Court would refrain itself from commenting anything on the merits of the case. Thus, keeping in view the overall facts and circumstances of the case, this Court is of the opinion that learned counsel for the petitioners succeed in making out a case for grant of regular bail. Accordingly, both the petitions are allowed.
10. Petitioners are ordered to be released on bail on their 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.
11. In case the bail bonds are not furnished by the petitioners during the period of 07 days from today, then their further custody period after one week will not be counted in the present case.

22.05.2026
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(RAJESH BHARDWAJ)
JUDGE

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