



CRM-M-5527-2026

-1-

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

CRM-M-5527-2026

Date of decision: 06.02.2026

**GURPAL SINGH @ GANNI @ GURPAL ...PETITIONER****VERSUS****STATE OF PUNJAB****...RESPONDENT****CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ**

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

Mr. K.D. Sachdeva, DAG, Punjab.

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

1. Prayer in the present petition is for grant of regular bail to the petitioner in case bearing FIR No.49 dated 24.07.2024, under Section 15(C) of NDPS Act, 1985 (later on added Section 29 of NDPS Act, 1985 vide GD No. 28 dated 28.07.2024), registered at Police Station Sadar Abohar, District Fazilka, Punjab.

2. Succinctly, the facts of the case are that the police party had laid the barricading on 24.07.2024 and in the meantime, a Canter bearing registration No.PB-05-AR-6379 was seeing coming. The same was stopped. On asking, the driver of the Canter disclosed his name to be Gurpal Singh @ Gunni (present petitioner). On suspicion, the Canter was searched and on searching, 11 bags were found lying in the Canter, wherein each bag was found to be containing poppy husk weighing 20 kg. Thus, 220 kgs of poppy husk were recovered. He failed to produce any license regarding the possession of the same. Thus, the FIR got registered and he was arrested at the spot. The investigation commenced, and the samples taken were sent to the FSL. On completion of the investigation, the

**CRM-M-5527-2026****-2-**

challan was presented and on framing of charges, trial commenced. Petitioner approached the learned Judge, Special Court, Fazilka for grant of bail. However, after hearing both the sides and finding no merit in the same, the learned Judge, Special Court, Fazilka declined the bail application vide order dated 23.07.2025. Aggrieved by the same, petitioner is before this Court praying for the grant of bail by way of filing the present petition.

3. Learned counsel for the petitioner has vehemently 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 has been joined and the provisions of Section 50 of the NDPS Act have been violated. He further submits that even otherwise, the petitioner was the driver of the Canter and thus, conscious possession is not proved. He further submits that petitioner is behind bars since 24.07.2024 and he has no criminal antecedents as he has never been involved in any other case. He further submits that in the facts and circumstances, the petitioner deserves to be granted regular bail.

4. Per contra, learned State counsel has opposed the submissions made by the counsel for the petitioner and submits that the petitioner was the driver of the Canter from which 11 bags of poppy husk, weighing a total of 220 kilograms, were recovered, which falls within the category of commercial quantity. Thus, the rigours of Section 37 of the NDPS Act are attracted in the present case. She, on instructions, submits that out of total 19 prosecution witnesses, 07 have been examined. He has placed on record the custody certificate of the petitioner.

5. Heard.

6. On hearing learned counsel for the parties and perusing the record, it is deciphered that the alleged recovery was effected from the public place. The



CRM-M-5527-2026

-3-

recovery effected in the present case is 220 kgs of poppy husk during Nakabandi. Custody certificate produced would show that the petitioner has completed incarceration of 01 year, 06 months and 07 days as on 05.02.2026 and he is not involved in any other case. Out of total 19 prosecution witnesses, 07 have been examined.

7. 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



CRM-M-5527-2026

-4-

*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.*

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. This Court would refrain itself from commenting anything on the merits of the case. Keeping in view, this Court is of the opinion that learned counsel for the petitioner succeeds in making out a case for grant of regular bail to the petitioner. Accordingly, the present petition is allowed. 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.

06.02.2026  
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**(RAJESH BHARDWAJ)**  
**JUDGE**

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