

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

2026:PHHC:029521



(127)

1. CRM-M-8395-2025 Date of Decision: 24.02.2026

Sarabjit Singh @ Pinka --Petitioner

Versus

State of Punjab --Respondent

2. CRM-M-25598-2025

Gurchet Singh --Petitioner

Versus

State of Punjab --Respondent

3. CRM-M-45061-2025

Binder Singh --Petitioner

Versus

State of Punjab --Respondent

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

Present:- Mr. Mikhail Kad, Advocate for the
petitioner in CRM-M-8395-2025.

Mr. Aminder Singh, Advocate for the
petitioner in CRM-M-25598-2025.

Mr. L.S. Sekhon, Advocate for the
petitioner in CRM-M-45061-2025.

Ms. Ramta Chaudhary, DAG, Punjab.

RAJESH BHARDWAJ.J (Oral)

1. Present petitions have been filed praying for the grant of regular bail to the petitioners in case bearing FIR No.122, dated 14.08.2024, under Sections 21, 29 of NDPS Act, registered at Police Station, STF, Sector 79, Mohali, District SAS Nagar.

2. As per the facts of the case, the police party while on patrolling on 14.08.2024 received secret information to the effect that Tarsem Singh in connivance with his relative Gurchet Singh (petitioner in CRM-M-25598-2025) was involved in selling the heroin. It was informed that he would come in his Swift car no. DL-9C-AB-3155 in the area of district Sangrur and would supply the contraband i.e. heroin to Binder Singh (petitioner in CRM-M-45061-2025) and if the barricading is laid, he could be arrested along with the contraband. On receiving the secret information the police party laid the barricading at the place disclosed. The Swift car no. DL-9C-AB-3155, as disclosed in the secret information, was seen coming. The same was stopped. There was one person, who was driving the car, and on asking, he disclosed his name as Tarsem Singh. He was suspected of having contraband, thus, the search of the car was conducted and from the dashboard of the car, 272 grams of heroin was recovered. He failed to produce the license for carrying the same. He was, thus, arrested on the spot and investigation commenced. During investigation he made disclosure statement about the complicity of Gurchet Singh and Binder Singh on 16.08.2024 from whom further recovery of 50 grams of heroin and Rs.40,000/- as drug money was effected and both the above named persons were nominated as accused in the present FIR and were arrested on the same day. During further investigation, Gurchet Singh made disclosure statement about the complicity of Sarabjit Singh, who was arrested on 02.09.2024 and further recovery of 16 grams of heroin was effected from him. On completion of the investigation, the challan was presented, charges were framed and trial commenced. Accused Sarabjit Singh (petitioner in CRM-M-8395-2025) approached the learned Special Court, Sangrur for grant of

bail, however, the same was declined vide order dated 02.01.2025. Similarly, the bail application filed by Gurchet Singh (petitioner in CRM-M-22598-2025) was declined by the learned Special Court, Sangrur vide order dated 05.11.2024. Similarly, bail application filed by accused Binder Singh (petitioner in CRM-M-45061-2025) was by declined by learned Special Court, Sangrur vide order dated 14.10.2024, thereafter, he approached twice before this Court by praying for grant of regular bail, however, the same were dismissed as withdrawn vide orders dated 07.11.2024 and 26.05.2025 respectively.

3. Learned counsels for the petitioners contend that petitioners have been falsely implicated in the present case. It is submitted that admittedly the case of the prosecution is based on secret information, however, there is violation of mandatory provision of Section 42 of NDPS Act. They submit that the alleged recovery was effected from a public place, however, no independent witness was associated and thus, there is violation of provisions of Section 50 of NDPS Act. They have also submitted that the conscious possession is also not proved. It is submitted that it was co-accused Tarsem Singh from whom 272 grams of heroin was recovered. However, petitioners Gurchet Singh and Binder Singh were nominated on the basis of disclosure statement of Tarsem Singh and they were arrested on 16.08.2024. It is further submitted that recovery of 50 grams of heroin and Rs.40,000/- drug money was allegedly effected from Gurchet Singh and Binder Singh and the same is non-commercial in nature. It is submitted by learned counsel for the accused Sarabjit Singh (petitioner in CRM-M-8395-2025) that he was nominated on the basis of disclosure statement of Gurchet Singh and alleged recovery of 16 grams of heroin also

effected from him. It is further submitted that the disclosure statement of co-accused is not in itself admissible evidence and thus, the false implication of the petitioners is writ large. It is submitted that the petitioners are falsely implicated in other cases, however, in majority of cases they have been acquitted or they are on bail. It has been submitted that petitioners are behind bars for the last more than 1 ½ years, however, there is no material progress in trial. Thus, prayer for regular bail has been made.

4. Learned State Counsel has vehemently opposed the submissions made by learned counsel for the petitioners. He submits that petitioners Gurchet Singh and Binder Singh were duly named in the secret information and on due compliance of statutory provisions of the NDPS Act, the search was conducted of the co-accused. It is submitted that the total recovery effected in the present case is more than 250 grams of heroin which is commercial in nature and provisions of Section 37 of NDPS Act are attracted. He submits that petitioners are habitual offenders as they are involved in other cases as well. Learned State counsel has produced on record the custody certificates dated 23.02.2026 of the petitioners.

5. 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 above said 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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21it 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 me, the injustice wrecked on the individual is immeasurable.

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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 1940 23). 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."

6. After hearing learned counsel for the parties, it is deciphered that admittedly the case of prosecution is based on secret information. Co-accused Tarsem Singh was arrested on the spot, whereas, present petitioners have been arrayed on the basis of the disclosure statement. Though, petitioners are involved in some other cases, however, they have been either

acquitted or released on bail in those cases. Custody certificate produced on record, reveals that petitioner Sarabjit Singh has undergone actual custody period of 01 year, 05 months and 11 days and he is involved in three more cases and is on bail in those cases. As per custody certificate, petitioner Binder Singh has undergone actual custody period of 01 year 06 months and 03 days and is involved in four more cases and has been acquitted in all those cases. Petitioner Gurchet Singh has undergone actual custody period of 01 year 06 months and 03 days and is involved in four more cases and is on bail in one case out of those cases. It is further submitted that out of total 22 prosecution witnesses only 09 have been examined till date and the trial would take long time to conclude.

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. This Court would refrain itself from commencing anything on the merits of the case. The trial of the case will take sufficient long time. Keeping in view the arguments raised by both the sides and perusing the record, this Court is of the opinion that learned counsels for the petitioners succeed in making out a case for grant of regular bail to the petitioners.

8. Accordingly, the present petitions are allowed and the petitioners are ordered to be released on bail on their furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate.

9. In case the bail bonds are not furnished by the petitioner Gurchet Singh (in CRM-M-25598-2025) during the period of 07 days from today, then his further custody period after one week will not be counted in

the present case.

10. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

24.02.2026
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(RAJESH BHARDWAJ)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No