



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

155**CRM-M-10282-2026****Date of decision : 05.03.2026****Date of uploading : 05.03.2026****Gurpreet Singh Alias Gori Alias Gora****.....Petitioner****Versus****State of Punjab****.....Respondent****CORAM: HON'BLE MR. JUSTICE SUMEET GOEL****Present: Mr. Lovepreet Handa, Advocate for the petitioner.****Mr. Hemant Aggarwal, DAG, Punjab.****---****SUMEET GOEL, J. (ORAL)**

1. Present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') for grant of regular bail to the petitioner in case FIR No.0006 dated 23.01.2025 under Section 15(C) of NDPS Act, registered at Police Station Kabarwala, District Sri Muktsar Sahib.

2. Succinctly, the facts of the present case are that the police party, while on patrolling on 23.01.2025, when reached near the bridge canal, they saw 02 cars were parked and some persons were present who were loading the plastic bags in the diggy of one of the vehicle. On suspicion, they were apprehended and on asking, they disclosed their names to be Sukhdev Singh @ Sukhi and Palwinder Singh @ Pinder (present petitioners). They were suspected to be carrying some contraband in the bags being loaded in the cars, thus, same were searched. On conducting



the search, 25 kgs of poppy husk each in the 04 bags were recovered which come to total 100 kgs of poppy husk. They failed to produce any licence regarding possession of the same and hence, the FIR was registered and they were arrested on spot. On registration of FIR, the investigation commenced. Samples taken were sent to the FSL. On framing of charges, the trial commenced. Petitioners approached the Learned trial Court, Sri Muktsar Sahib 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 21.06.2025 and 04.03.2025, respectively. Aggrieved by the same, petitioner-Palwinder Singh @ Pinda earlier approached this Court by way of filing of CRM-M-14161-2025, which was declined by this Court vide order dated 20.03.2025, hence, he is before this Court by way of second petition. However, qua petitioner-Sukhdev Singh @ Sukhi, this is the first petition praying for grant of bail.

3. Learned counsels for the petitioners have contended that the petitioners have been falsely implicated in the present case. It is submitted that the alleged recovery has been effected from a public place, however, there was no independent witness joined by the investigation agencies. It is submitted that the compliance of Section 50 of NDPS Act, was mandatory however, there is blatant violation of the same. It is submitted that conscious possession of the contraband is also not proved in the present case. To buttress their arguments, it is submitted that petitioner-Sukhdev Singh @ Sukhi has no criminal antecedents as he has never been involved in any other and so far petitioner-Palwinder Singh @ Pinder is concerned, though he is involved in one more case, however, he is on bail



in the said case. It is submitted that the petitioners are behind bars since the date of their arrest, however, there is no material progress in the trial and thus, their right of speedy trial is defeated. It is thus, submitted that in the facts and circumstances of the case, petitioners deserve to be granted bail.

4. Learned State counsel has opposed the submissions made by the counsel for the petitioners and submits that both the petitioners were arrested on the spot. It is submitted that the recovery effected in the present case is of 100 kgs of poppy husk, which falls under the category of commercial quantity and thus, the provisions of Section 37 of NDPS Act, are attracted in the present case. He, on instructions, has submitted that out of total 36 prosecution witnesses, one has been examined so far. He has produced the custody certificates of the petitioners on record.

5. I have heard counsel for the parties and have gone through the available records of the case.

6. On hearing counsel for the parties and perusing the record, it is deciphered that the petitioners are behind bars since the date of their arrest. The alleged recovery of 100 kgs of poppy husk has been effected from a public place and as per the statute, quantity above 50 kgs of poppy husk, is a commercial quantity. As per custody certificate dated 03.03.2026 filed by learned State counsel, the petitioner has already suffered incarceration for a period of 1 year 1 months and 3 days and is shown to be involved in other cases. As per the said custody certificate, the petitioner is stated to be involved in more cases/FIRs. Indubitably, the antecedents of a person are required to be accounted for while considering a regular bail petition preferred by him. However, this factum cannot be a



ground sufficient by itself, to decline the concession of regular bail to the petitioner in the FIR in question when a case is made out for grant of regular bail *qua* the FIR in question by ratiocinating upon the facts/circumstances of the said FIR. Reliance in this regard can be placed upon the judgment of the Hon'ble Supreme Court in ***Maulana Mohd. Amir Rashadi v. State of U.P. and another, 2012 (1) RCR (Criminal) 586***; a Division Bench judgment of the Hon'ble Calcutta High Court in case of ***Sridhar Das v. State, 1998 (2) RCR (Criminal) 477*** & judgments of this Court in ***CRM-M No.38822-2022*** titled as ***Akhilesh Singh v. State of Haryana***, decided on 29.11.2021, and ***Balraj v. State of Haryana, 1998 (3) RCR (Criminal) 191***.

6.1 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. 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. 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."*

Suffice to say, further detention of the petitioner as an undertrial is not warranted in the facts and circumstances of the case.

7. In view of above, the present petition is allowed. Petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the Ld. concerned CJM/Duty Magistrate. However, in addition to conditions that may be imposed by the concerned CJM/Duty Magistrate, the petitioner shall remain bound by the following conditions:-

- (i) The petitioner shall not mis-use the liberty granted.
- (ii) The petitioner shall not tamper with any evidence, oral or documentary, during the trial.
- (iii) The petitioner shall not absent himself on any date before the trial.
- (iv) The petitioner shall not commit any offence while on bail.
- (v) The petitioner shall deposit his passport, if any, with the trial Court.
- (vi) The petitioner shall give his cell-phone number to the Investigating Officer/SHO of concerned Police Station and shall not change his cell-phone number without prior permission of the trial Court/Illaqa Magistrate.
- (vii) The petitioner shall not in any manner try to delay the trial.
- (viii) The petitioner shall submit, on the first working day of every month, an affidavit, before the concerned trial Court, to the effect that he has not been involved in commission of any offence after being released on bail. In case the petitioner is

found to be involved in any offence after his being enlarged on bail in the present FIR, on the basis of his affidavit or otherwise, the State is mandated to move, forthwith, for cancellation of his bail which plea, but of course, shall be ratiocinated upon merits thereof.

8. In case of breach of any of the aforesaid conditions and those which may be imposed by concerned CJM/Duty Magistrate as directed hereinabove or upon showing any other sufficient cause, the State/complainant shall be at liberty to move cancellation of bail of the petitioner.
9. Ordered accordingly.
10. Nothing said hereinabove shall be construed as an expression of opinion on the merits of the case.

(SUMEET GOEL)

JUDGE

05.03.2026

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