

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

2026:PHHC:028345



(115+205)

1. CRM-M-12703-2025

Date of Decision: 23.02.2026

Gagandeep Singh @ Gaggu

--Petitioner

Versus

State of Punjab

--Respondent

2. CRM-M-7046-2026

Amandeep Singh @ Aman

--Petitioner

Versus

State of Punjab

--Respondent

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

Present:- Mr. G.S. Simble, Advocate for the
petitioner in CRM-M-12703-2025.

Mr. Arjun Veer Sharma, Advocate for the
petitioner in CRM-M-7046-2026.

Mr. Raj Karan Singh, AAG, Punjab with
Mr. Adesh Pal Singh, AAG, 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.39, dated 27.06.2024, under Sections 21, 29, 61, 85 of NDPS Act, registered at Police Station Division No.1, Ludhiana.

2. Succinctly, the facts of the present case are that Police party while on patrolling and reached near Mata Rani Chowk, received a secret information that accused Amandeep Singh @ Aman was involved in selling heroin. It was informed that he was standing near Nali Mohalla, A.C.

Market T-Point Ludhiana for supplying heroin to his customers and if the raid was to be conducted he could be apprehended on the spot. On the basis of secret information, the police reached at the spot and one person was found standing resembling to as in the secret information. On seeing the police party, he got perplexed and threw a plastic envelope and tried to escape, however, he was apprehended on the spot. And on asking, he disclosed his name to be Amandeep Singh @ Aman (petitioner in CRM-M-7046-2026). Thus, search was conducted and 500 grams of heroin was found from the plastic envelope, which was thrown by him. He failed to produce any license or permit for possessing the same. He was, thus arrested on the spot and FIR was registered against him. During investigation, he made a disclosure statement about Gagandeep Singh @ Gaggu (petitioner in CRM-M-12703-2025), wherein it was disclosed that recovered contraband was being supplied at the instructions of said Gagandeep Singh @ Gaggu. Thus, Gagandeep Singh @ Gaggu was also arrayed as an accused in the present case. As Gagandeep Singh was already behind bars in other FIR, he was arrested in the present case on production warrants on 02.07.2024. On completion of investigation, challan was presented. The petitioner Gagandeep Singh @ Gaggu approached the learned Special Court at Ludhiana for grant of bail. However, on hearing, the same was declined by the learned Special Court, Ludhiana on 29.11.2024. Similarly bail application of petitioner Amandeep Singh @ Aman was also declined by the learned Judge, Special Court, Ludhiana vide order dated 23.12.2025.

3. Learned counsels for the petitioners have vehemently contended that the petitioners have been falsely implicated in the present

case. It is submitted that the case is based on the secret information and there is violation of Section 50 of NDPS Act as the recovery has been effected from the public place but no independent witness was associated. It has been submitted that petitioner Amandeep Singh @ Aman has no criminal antecedents, whereas petitioner Gagandeep Singh @ Gagggu was already behind bars as he is facing prosecution in multiple cases and thus he has been clandestinely implicated in the present case. It is submitted that though petitioner Gagandeep Singh is involved in 42 more cases, however, in half of the cases he has been acquitted and except in one case, he is on bail in rest of the cases. It is submitted that both the petitioners are behind bars in the present case for the last more than 07 months. He, thus, prays for grant of bail to the petitioners.

4. Learned State Counsel has vehemently opposed the submissions made by learned counsel for the petitioners. He submits that petitioner Amandeep Singh @ Aman was arrested on the basis of secret information and recovery was effected from the plastic envelope on the spot. The contraband recovered was 500 grams of heroin, which is commercial quantity and thus the provisions of Section 37 of NDPS Act are attracted in the present case. He submits that petitioner Gagandeep Singh is a habitual offender, who is involved in 37 more cases. As he was behind bars, he was arrested on production warrants. Learned State counsel, on instructions, submits that investigation in the case is complete, challan stands presented and charges are yet to be framed. He has produced on record the custody certificates 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 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.”

6. After hearing learned counsel for the parties, it is deciphered that admittedly the case of prosecution is based on secret information and the recovery of contraband has been allegedly effected from the plastic envelope owned by petitioner Amandeep Singh @ Aman (petitioner in CRM-M-7046-2026). It is also admitted position that the same was effected from a public place. Petitioner Gagandeep Singh @ Gaggu (petitioner in CRM-M-12703-2025) was admittedly behind bars at the time of alleged recovery. The custody certificate of petitioner Amandeep Singh @ Aman reveal that he has no criminal antecedents and is behind bars for the last more than 01 year, 07 months and 17 days. The custody certificate of petitioner Gagandeep Singh @ Gaggu reveals that he is involved in many other cases, however, he has been acquitted in half of the cases and is already on bail in 03 cases except one case. He is also behind bars in the present case for the last about 01 year, 07 months and 15 days. The trial would take long time to conclude as charges in the present case are yet to be framed.

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 Gagandeep Singh @ Gaggi (in CRM-M-12703-2025) 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.
11. A copy of this order be placed on the connected case file.

23.02.2026
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(RAJESH BHARDWAJ)
JUDGE

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