

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

2026:PHHC:028333



(116)

CRM-M-14010-2025

Date of Decision: 23.02.2026

Bhupinder Singh @ Sonu

--Petitioner

Versus

State of Punjab

--Respondent

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

Present:- Mr. P.S. Sekhon, Sr. Advocate with
Mr. Prashant, Advocate for petitioner.

Mr. Raj Karan Singh, AAG, Punjab.

RAJESH BHARDWAJ.J (Oral)

1. Present petition has been filed praying for the grant of regular bail to the petitioner in case bearing FIR No.118, dated 15.07.2024, under Section 15(C), 29 (added later on) of NDPS Act, registered at Police Station Canal Colony, Bathinda, District Bathinda.

2. Succinctly, the facts of the present case are that Police party while on patrolling on 15.07.2024, when they were going towards Behman Chowk and saw one person near a parked truck/trolla and was seen opening the back gate of the truck and on seeing the police party, he got perplexed started closing the gate in hurry, then on suspicion, apprehended the accused namely Sandeep Singh @ Kaka in possession of one truck/trolla bearing registration no. NL-01AB-0377 in the area of Behman Chowk. From the search of said truck 190 black bags and 20 white bags containing 41 quintals of poppy husk were recovered without any license or permit.

Thus, the FIR in question was registered and accused was arrested at the

spot. During investigation, Sandeep Singh @ Kaka made a disclosure about the complicity of the present petitioner, who was also arrayed as an accused in the present case and was subsequently arrested on production warrants as he was already confined in jail in some other case, on 03.08.2024. Thereafter, on completion of the investigation challan was presented, charges were framed and trial has commenced. The petitioner approached the learned Special Court at Bathinda for grant of bail. However, on hearing the same and finding no merits, was declined by the learned Special Court at Bathinda on 22.08.2024. Hence, the petitioner is before this Court by way of present petition for grant of regular bail. Earlier also the present petitioner approached this Court for grant of regular bail but the same was declined vide order dated 29.10.2024.

3. Learned Senior counsel for the petitioner has vehemently contended that the petitioner has been falsely implicated in this case. He submits that admittedly it was a chance recovery. It is submitted that recovery has been effected from co-accused Sandeep Singh @ Kaka, who was driver of the truck. He submits that petitioner has been implicated in the present case on the basis of disclosure statement of the co-accused, which in itself is not an admissible evidence. He submits that the petitioner has been falsely implicated in this case and he also has three other cases, however, he is on bail in those cases. It is submitted that petitioner is behind bars for the last more than 1 ½ years, however, there is no material progress in the trial. He, thus, prays for grant of bail to the petitioner.

4. 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.

20 xxxxx

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.

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.”

5. Learned State Counsel has vehemently opposed the submissions made by learned counsel for the petitioner. He submits that during the investigation complicity of the petitioner surfaced and thus he was arrayed as an accused in the present case. He submits that petitioner is a habitual offender as he is also involved in other cases of similar nature. It is submitted that the recovered contraband is 41 quintals of poppy husk, which is a commercial quantity. The complicity of the petitioner surfaced during investigation and he was found to be the seller/supplier of the contraband. It is submitted that out of total 15 prosecution witnesses only 02 witnesses have been partly examined till date. He has produced on record the custody certificate of the petitioner, which is taken on record. As per custody certificate furnished by learned State counsel, petitioner is behind bars in the present case for the last 01 year, 06 months and 14 days as on 22.02.2026.

6. After hearing learned counsel for the parties, it is deciphered that the recovery in the present case is from the co-accused Sandeep Singh, who was the driver of the truck/trolla. The petitioner, admittedly, was named in the FIR on the basis of disclosure statement made by co-accused Sandeep Singh @ Kaka. Though, petitioner is involved in 03 other cases as per the custody certificate, however, he is on bail in one case out of them. Only two witnesses out of total 15 witnesses have been partly examined in the present case.

7. Status report by way of affidavit of Amritpal Singh, Dy.S.P., City-1, Bathinda on behalf of respondent-State has been filed in Court today. The same is taken on record.

8. 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 me. Keeping in view the arguments raised by both the sides and perusing the record, this Court is of the opinion that learned senior counsel for the petitioner succeeds in making out a case for grant of regular bail to the petitioner.

9 Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate.

10. In case the bail bonds are not furnished by the petitioner during the period of 07 days from today, then his further custody period after one week will not be counted in the present case.

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

23.02.2026
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(RAJESH BHARDWAJ)
JUDGE

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