



CRM-M-22655-2026

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

CRM-M-22655-2026

Date of Decision: 29.04.2026

Kuldeep Singh

..... Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Rahul Kadian, Advocate,
for the petitioner (through VC).

Mr. Kuljinder Dhindsa, 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.20, dated 11.03.2024, under Sections 22, 29 of NDPS Act, 1985, registered at Police Station Dirba, District Sangrur.

2. Succinctly, the facts of the case are that the police party while on patrolling on 11.03.2024 saw a man carrying one heavy white coloured plastic bag on his right shoulder coming to their side on the kachha road/rasta. On seeing the police, he threw the plastic bag being carried by him on his left side and started running fast towards the village. However, he was apprehended by the police. On asking, he disclosed his name to be Rachhpal Singh @ Gol. On suspicion, the bag thrown by him was searched. On conducting search, 4800 intoxicating tablets were recovered. He failed to produce any license regarding the conscious possession of the same. Thus, the FIR was registered and he was arrested on the spot. On registration of the FIR, the investigation commenced. The samples taken were sent to the FSL. During the investigation, Rachhpal Singh @ Gol suffered a disclosure statement about the complicity of the petitioner, namely, Kuldeep Singh,



being the supplier of the contraband. Hence, the petitioner was also arrayed in the present case as an accused and he was arrested on 15.03.2024. Thereafter, on his disclosure statement, 3600 intoxicating tablets were got recovered. On completion of the investigation, the challan was presented and on framing of charges, the trial commenced. The petitioner approached the Court of learned Judge Special Court, Sangrur praying for the grant of regular bail. However, after hearing both the sides and finding no merit in the same, learned Court declined the bail application filed by the petitioner vide order dated 15.05.2024. Earlier, the petitioner approached this Court thrice by way of filing petitions for the grant of regular bail, however, the same were dismissed by this Court vide separate orders. Hence being aggrieved, the petitioner is again before this Court praying for the grant of regular bail by way of filing the present second petition.

3. It has been vehemently contended by learned counsel for the petitioner that the petitioner has been falsely and frivolously implicated in the present case. He has submitted that the alleged recovery of 4800 tablets of Alprazolam was effected from co-accused Rachhpal Singh @ Gol and the petitioner was implicated in the present case only on the basis of his disclosure statement, which is not even an admissible evidence. He submits that after arresting the petitioner, another recovery of alleged 3600 tablets of Alprazolam were planted upon the petitioner. He has submitted that the petitioner is behind the bars from the last more than two years, however, there is no material progress in the trial and thus, his right of speedy trial is miserably defeated. He contends that though the petitioner was falsely implicated in two other cases, however, he is on bail in those cases. He, thus,



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submits that in the overall facts and circumstances, the petitioner deserves to be granted bail.

4. *Per contra*, learned State counsel has vehemently controverted the submissions made by counsel for the petitioner. He submits that during the investigation, complicity of the petitioner was surfaced. He submits that from the co-accused 4800 tablets of Alprazolam, have been effected in the present case which were found to be supplied by the petitioner. Thereafter, the petitioner was arrested and from his disclosure statement 3600 tablets of Alprazolam were recovered. He further submits that the recovery of contraband effected in the present case falls under the commercial quantity and thus, provisions of Section 37 of the NDPS Act are attracted in this case. On instructions, he has submitted that out of total 17 prosecution witnesses, 03 witnesses have been examined till date. He has placed on record the custody certificate of the petitioner.

5. After hearing counsel for the parties and perusing the record, it is deciphered that initially the Investigating Agency allegedly recovered 4800 tablets of Alprazolam from the co-accused, who named the petitioner in his disclosure statement. Thereafter, 3600 tablets of Alprazolam were allegedly recovered on the disclosure statement of the petitioner. The custody certificate would show that the petitioner has suffered incarceration of 02 years, 01 month & 10 days as on 28.04.2026. It further shows that the petitioner is involved in two other cases, out of which in one case he is on bail. Three witnesses have been examined out of total 17 prosecution witnesses.

6. Speedy trial is the right of every accused. The Hon'ble Supreme

Court in Ashim @ Asim Kumar Haranath Bhattacharya @ Asim



Harinath Bhattacharya @ Aseem Kumar Bhattacharya Vs. National Investigation Agency, 2022(1) SCC 695 has held as under:

“Deprivation of personal liberty without ensuring speedy trial is not consistent with Article 21 of the Constitution of India. While deprivation of personal liberty for some period may not be avoidable, period of deprivation pending trial/appeal cannot be unduly long. At the same time, timely delivery of justice is part of human rights and denial of speedy justice is a threat to public confidence in the administration of justice.”

7. The Hon'ble Supreme Court in a recent decision dated 03.07.2024 in **Javed Gulam Nabi Shaikh Vs. State of Maharashtra, Criminal Appeal No. 2787 of 2024**, has held that howsoever serious a crime may be, an accused has the right to speedy trial under the Constitution of India.

8. 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.

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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.*

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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.'*

9. 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. 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 counsel for the petitioner succeeds in making out a case for grant of regular bail to the petitioner.

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

11. It is being clarified that in case the petitioner does not furnish bail/surety bonds within a period of one week from today, his custody will not be counted in the present case after one week.
12. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

	(RAJESH BHARDWAJ)	
	JUDGE	
29.04.2026	Whether Speaking/Reasoned :	Yes/No
sharmila	Whether Reportable :	Yes/No