

CRM-M-25133-2025
CRM-M-10783-2026
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2026.PHHC.034873



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-25133-2025

Monu Kumar

.....Petitioner

versus

State of Punjab

..... Respondent

CRM-M-10783-2026

Sajan Singh

....Petitioner

versus

State of Punjab

....Respondent

Date of decision: 07.03.2026

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Yashpal Thakur, Advocate and
Mr. Rishu Mahajan, Advocate (CRM-M-25133-2025) and
Ms. Saroj Kumari, Advocate for
Mr. Vinod K. Kaushal, Advocate (in CRM-M-10783-2026)
for the petitioner(s).

Mr. K.D. Sachdeva, DAG, Punjab.

RAJESH BHARDWAJ, J. (Oral)

1. By way of this common order, this Court intend to dispose of abovesaid two petitions as they have arisen out of the same FIR.
2. Petitioners have approached this Court by way of filing the present petitions praying for grant of regular bail to them in case FIR No.0105 dated 28.07.2024, under Sections 21, 23/61/85 of the NDPS Act, 1985 (offence under Section 21-C, 27-A, 29 of NDPS Act, 1985 added later on), registered at Police Station Cantonment, District Police Commissionerate, Amritsar.
3. Succinctly, facts of the case are that the police while on patrolling on 28.07.2024, received a secret information to the effect that two persons namely, Bahadur Singh and Monu Kumar (petitioner in CRM-M-



25133-2025) are associated with infamous Pakistani smugglers through different mediums and through Pakistani smugglers, they order consignments of ICE drug from Pakistan and supply it to various places in Amritsar and Punjab. It was also informed that both are riding on a black colour Activa and are waiting near Mahal Bypass to deliver a huge consignment of ICE drug to someone. If the barricading is laid, they could be arrested along with the contraband. On receiving the secret information, the police reached at the disclosed place. The Activa as informed in the secret information was seen coming in which two persons were riding. On suspicion, they were stopped. On asking, the rider of the Activa, disclosed his name as Monu Kumar (petitioner in CRM-M-25133-2025) whereas, riding pillion, disclosed his name as Bahadur Singh. They were suspected to be carrying some contraband and hence, their search was conducted. From the polythene which Bahadur Singh was holding, 1000 grams of ICE drug was recovered and from the diggy of Activa, Rs.2,00,000/- as drug money was recovered. They failed to produce any license regarding the possession of the same. Thus, the FIR was registered. On registration of the FIR, both were arrested on the spot. During invesstigation, they made a disclosure statement about the complicity of one more accused namely, Sajan Singh (petitioner in CRM-M-10783-2026). Thus, he was also arrayed as an accused and was arrested on 29.07.2024. On completion of the investigation, challan was presented and on framing of the charges, trial commenced. Petitioners approached the Court of learned Judge, Special Court, Amritsar, praying for grant of regular bail. However, after hearing counsel for the parties, learned Judge, Special Court, Amritsar declined the same vide orders dated 24.03.2025 and 12.09.2025 respectively. Hence, petitioners have approached this Court again by way of filing the present petitions.

4. It has been submitted by learned counsel for the petitioners that



the petitioners have been falsely and frivolously implicated in the present cases. It has been submitted that admittedly, the case of the prosecution is based on secret information thus, there is a violation of the provisions of Section 42 of the NDPS Act. It has further been submitted that though the recovery was effected from the public place however, no independent witness has been joined. It has been submitted that there is also violation of provisions of Section 50 of the NDPS Act. It has been submitted that petitioner-Sajan Singh was not even named in the FIR and was arrayed as accused on the basis of disclosure statement of co-accused, which is not even an admissible evidence. To buttress their arguments, it is contended that the petitioners have no criminal antecedents as they have never been involved in any other case. It has been submitted that the challan has been presented about a year back however, till date, there is no progress in the trial. It has also been submitted that petitioner-Monu Kumar was specifically named in the secret information whereas, complicity of petitioner-Sajan Singh was surfaced during investigation from whom the recovery was effected. It has been submitted that in the overall facts and circumstances of the case, the petitioners deserve to be granted bail.

5. Learned State counsel has opposed the submissions made by learned counsel for the petitioners. He has submitted that the recovery of 1000 kgs of ICE drug is commercial in nature and hence, provisions of Section 37 of the NDPS Act are attracted in this case. He has submitted that challan was presented on 22.01.2026 and charges were framed on 06.05.2025 however, out of 16 prosecution witnesses, no witness has been examined till date. He has placed on record the custody certificates of the petitioners.

6. After hearing counsel for the parties and perusing the record, it is deciphered that the FIR was registered on the basis of secret information.

Petitioner-Monu Kumar was named in the FIR whereas, petitioner-Sajan



Singh has been arrayed as accused on the basis of disclosure statement of co-accused. The alleged recovery was effected from the public place. As submitted, challan was presented on 22.01.2025 whereas, the charges were framed on 06.05.2025 but till date, out of 16 prosecution witnesses, none has been examined. Custody certificates of the petitioners filed by the State transpire that both the petitioners have undergone actual sentence of 01 year, 07 months and 04 days as on 06.03.2026. It further reflects that petitioner-Monu Kumar is not involved in any other case. It further reflects that petitioner-Sajan Singh is involved in one more case and he is not on bail in the same.

7. 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 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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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 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.'

8. The veracity of the allegations would be assessed only after 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 cases will take sufficiently long time. However, keeping in view the overall facts and circumstances of the present cases, this Court is of the opinion that learned counsel for the petitioners succeed in making out a case for grant of regular bail. 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. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

9. If the petitioner does not furnish the bail bonds within seven days from today, then further custody period of petitioner-Sajan Singh (in CRM-M-10783-2026) after one week will not be counted in the present case.

07.03.2026
m.sharma

(RAJESH BHARDWAJ)
JUDGE

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