



CRM-M-27174-2025

-1-

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

CRM-M-27174-2025

Date of decision: 12.01.2026

MANJOT SINGH

...PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Rishu Mahajan, Advocate for the petitioner.

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

RAJESH BHARDWAJ, J. (ORAL)

1. Present petition has been filed for grant of regular bail in case FIR No.46 dated 11.02.2025, under Sections 21(c), 25, 29 of Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station STF (ANTF), District ANTF Wing, SAS Nagar.

2. Succinctly the facts of the case are that police initiated Anti Narcotic Drive in collaboration with BSF. On 11.02.2025, the police received secret information to the effect that Surjit Singh @ Surjeet, Labh Singh @ Labha, and Sukh were involved in smuggling of heroin. They would be coming on their motorcycle bearing registration No.PB/14/D/0784 to supply the contraband to their customers. On receiving secret information, the police laid down barricading and three persons were seen coming on a motorcycle as disclosed and stopped their motorcycle near Langar Hall. One of the three persons, who was sitting on the motorcycle managed to escape, however, the other two were nabbed by the police officials. On asking, one of them disclosed his name to be

**CRM-M-27174-2025****-2-**

Surjit Singh @ Surjeet while the other disclosed his name to be Labh Singh @ Labha. They were suspected to be carrying some contraband, thus, their search was conducted. On conducting the search, 550 grams of heroin from each of the co-accused were recovered. Thus, the total weight of alleged contraband is 1.1 Kg. They disclosed the name of the third person who escaped as Sukh son of Labh Singh. They failed to produce any license regarding possession of the same and hence, the FIR was registered and both were arrested on spot. The investigation commenced. During investigation, the co-accused Surjit Singh @ Surjeet made a disclosure statement about the involvement of the petitioner who was alleged to be supplier of the recovered contraband. Thus, he was also nominated as an accused and resultantly, arrested on 13.02.2025. On completion of investigation, challan was presented. On framing of charges, the trial commenced. The petitioner approached the Learned Judge (Special Court), Amritsar praying for grant of bail, however, finding no merit, the same was declined after hearing both the sides by Learned Judge (Special Court), Amritsar vide order dated 05.05.2025. Aggrieved by the same, the petitioner is before this Court by way of filing of present petition for grant of bail.

3. Learned counsel for the petitioner submits that neither the petitioner was named in the secret information nor any recovery has been effected from him. However, he has been falsely implicated in the present case on the basis of the disclosure statement of the co-accused, namely, Surjit Singh @ Surjeet, which is not an admissible evidence. He further submits that petitioner has no criminal antecedents as he has never been involved in any other criminal. He further submits that even otherwise, the recovery allegedly effected from the co-accused is in violation of Sections 42 and 50 of NDPS Act. He further submits



CRM-M-27174-2025

-3-

trial. He thus, submits that in the facts and circumstances of the case, the petitioner deserves to be granted bail.

4. Per contra, learned State counsel has opposed the submissions made by the counsel for the petitioner and submits that the complicity of the petitioner surfaced during investigation. The recovered contraband from the co-accused is 1.1 Kgs of heroin, which is a commercial quantity and thus, provisions of Section 37 of NDPS Act, are attracted in the present case. He further submits that the petitioner was found to be supplier of the contraband. He, on instructions, has submitted that out of total 16 prosecution witnesses, none has been examined till date. He has produced the custody certificate of petitioner today in the Court and the same is taken on record and he is not involved in any other case.

5. Heard.

6. On hearing learned counsel for the parties and perusing the record, it is deciphered that the petitioner has been nominated in the present case on the basis of disclosure statement of the co-accused. As submitted before this Court that petitioner is not involved in any other case. Challan has been presented in this case and charges have also been framed. Custody certificate produced would show that the petitioner has completed incarceration of 10 months and 22 days 10.01.2026. It further reflects that the petitioner is not involved in any other case. Out of 16 prosecution witnesses, none has been examined till date. Needless to say that speedy trial is the fundamental right of every accused.

7. 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



CRM-M-27174-2025

-4-

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. xxxxx

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.*

**CRM-M-27174-2025****-5-**

of the trial and on the appreciation of evidence to be led by both the parties before the trial Court.

9. This Court would refrain itself from commenting anything on the merits of the case. Keeping in view, 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 this Court is of the opinion that learned counsel for the petitioner succeeds in making out a case for grant of regular bail. Accordingly, the present petition is allowed. Petitioner is ordered to be released on bail on his 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.

12.01.2026

*renubala***(RAJESH BHARDWAJ)
JUDGE**

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