



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

**CRM-M-29854-2026
Date of decision :29.05.2026**

Mandeep Singh @ Manu

....Petitioner

versus

State of Punjab

.....Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Rajeev Gupta, Advocate
for the petitioner.

Mr. Raj Karan Singh, A.A.G., Punjab.

RAJESH BHARDWAJ, J. (Oral)

1. Present third petition has been filed for grant of regular bail in case FIR No.10 dated 29.01.2024, under Sections 22/61/85 of Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station City Morinda, District Rupnagar, Punjab.

2. Succinctly the facts of the case are that the police party while on patrolling on 29.01.2024, received a secret information to the effect that one Gagandeep Singh @ Gaggi @ Gagar and Mandeep Singh @ Mannu (present petitioner), are involved in supplying of intoxicated substances and today also they would bring huge quantity of heroin/intoxicated powder in their Swift car from Kurali and in case Nakabandi is done, they could be arrested along with the contraband. On receiving the information, nakabandi was done. On suspicion, Gagandeep Singh @ Gaggi and Mandeep Singh were apprehended by the Police Party. They were suspected to be carrying some contraband with them and thus, search was conducted. On conducting the search, 270 grams of intoxicant powder containing Tramadol Hydrochloride was effected from the accused persons. They failed to produce any licence regarding the



possession of the same. Thus, the FIR was registered and they were arrested on the spot. On registration of FIR, the investigation commenced. Samples taken were sent to FSL. The petitioner approached the Court of learned Judge, Special Court, Rupnagar praying for the grant of bail. However, after hearing both the sides, finding no merit in the same, the learned Judge, Special Court, Rupnagar, dismissed the petition filed by the petitioner vide order dated 23.10.2024. Hence being aggrieved, the petitioner earlier approached this Court by way of filing of CRM-M-58732-2024 and CRM-M-51853-2025, however, the same were disposed of by this Court vide orders dated 08.05.2025 and 22.09.2025, respectively. Hence, the petitioner is before this Court by way of filing the present third petition praying for the grant of regular bail.

3. Learned counsel for the petitioner has contended that the petitioner has been falsely implicated in the present case. He submits that admittedly the case of the petitioner is based on secret information but there is violation of provisions of Section 42 of the NDPS Act. He submits that there is blatant violation of provisions of Section 50 of NDPS Act, in conducting the search as well. He submits that the alleged recovery has been effected from a public place, however, no independent witness was joined by the investigating agencies. He submits that the alleged recovery effected is of 270 grams of intoxicating powder containing Tramadol Hydrochloride, whereas the quantity above 250 grams falls under the commercial quantity. He submits that the petitioner is behind bars from last more than 02 years, however, the prosecution is intentionally not examining the remaining 01 witness just to prolong the incarceration of the petitioner. He submits that though the petitioner is falsely implicated in one more case, however, he is on bail in the said case. 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 petitioner was specifically named in the secret information. He submits that on due compliance of provisions of NDPS Act, recovery of 270 grams of intoxicant powder was effected from the car, in which petitioner along with co-accused was travelling. He submits that the recovery effected in the present case comes to 270 grams of intoxicating powder containing Tramadol Hydrochloride which falls under the category of commercial quantity and thus, provisions of Section 37 of NDPS Act, are attracted in the present case. He submits that the petitioner is involved in one more case, which is also under the NDPS Act. He, on instructions, has submitted that only 01 witness remains to be examined and the next date fixed before the trial Court is 01.06.2026. He has produced the custody certificate of the petitioner on record.

5. After hearing counsel for the parties and perusing the record, it is deciphered that the FIR in the present case was registered on the basis of secret information. Violation of provisions of Section 42 and 50 of NDPS Act, has been vehemently contended. Though the recovery has been effected from a public place, however, no independent witness was joined. Perusal of the record would show that earlier petitioner approached this Court by way of filing of CRM-M-51853-2025, which was disposed of vide order dated 22.09.2025, when it was submitted before the Court by learned State counsel that only 01 witness remains to be examined and thus, on this ground the petition was disposed of with direction to expedite the trial, however, surprisingly, even after about 09 months, the stage of



the trial is same. The remaining 01 witness has not been examined till date. As per custody certificate, the petitioner has suffered an incarceration of 02 years, 03 months and 27 days as on 28.05.2026. It further reflects that though the petitioner is involved in 01 more case, however, he is on bail in that case. The Court is of the opinion that the petitioner has a right of speedy trial.

6. 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.

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 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.

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.*

8. 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.”

9. 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.

10. The trial of the case will take sufficiently long time. Thus, keeping in view the overall facts and circumstances of the case, 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.

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

29.05.2026	(RAJESH BHARDWAJ)
ps-I	JUDGE
Whether speaking/reasoned	: Yes/No
Whether reportable	: Yes/No