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

CRM-M No.30087 of 2026

Date of Decision: 29.05.2026

Harbans Singh @ Gullu

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Rahul Garg, Advocate
for the petitioner.

Mr. Ekompal Sagoo, 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.200, dated 08.11.2019, under Section 22 of NDPS Act (Sections 61, 85 of NDPS Act added later on), registered at Police Station Boha, District Mansa.

2. Succinctly, the facts of the case are that the police party was on patrolling on 08.11.2019 and when they reached near Achanak Chowk, they saw one clean shaven person coming on foot, who has holding a black coloured plastic bag in his left hand. He, on seeing the police party got perplexed and threw the polythene bag, which he was holding in his hand, and turned back towards the village Achanak. However, on suspicion, he was apprehended by the police party. On asking, he disclosed his name to



be Harbans Singh @ Gullu (petitioner). He was suspected to be carrying some contraband in the polythene bag being thrown by him and thus, search of the same was conducted. On conducting the search of the polythene bag, 23 strips, each containing 10/10 tablets, thus, in total 230 intoxicating tablets containing Clovidol were recovered from the same. He failed to produce any licence regarding the conscious possession of the same, thus, the FIR was registered and he was arrested on the spot. The samples taken were sent to the FSL. On receipt of the FSL report, the contraband recovered was found to be 94.19 grams of Tramadol Hydrochloride. On registration of the FIR, the investigation commenced. The petitioner was earlier granted the concession of regular bail by the learned trial Court vide order dated 20.12.2019. As he failed to appear before the learned trial Court, his bail was cancelled and thereafter, he has been arrested on 08.01.2024. The petitioner again approached the Court of learned Judge, Special Court, Mansa praying for the grant of regular bail. However, after hearing both the sides and finding no merit in the same, the learned Judge, Special Court, Mansa declined the bail application filed by the petitioner vide order dated 08.05.2026. Hence being aggrieved, the petitioner is before this Court praying for the grant of regular bail by way of filing the present petition.

3. Learned counsel for the petitioner has submitted that the petitioner has been falsely implicated in the present case. He has submitted that 230 tablets of Clovidol weighing 94.19 grams of Tramadol Hydrochloride were allegedly recovered from the petitioner, which is a non commercial quantity and thus, the provisions of Section 37 of NDPS

Act are not attracted. He has submitted that the petitioner was earlier granted the concession of regular bail by the learned trial Court, however, as he failed to appear before the learned trial Court after having been granted the bail, thus, his bail was cancelled and thereafter, he has been arrested on 08.01.2024. He has submitted that the petitioner is behind bars from last about 2½ years, however, till date, there is no material progress in the trial. He has submitted that in the facts and circumstances, the petitioner deserves to be granted regular bail.

4. *Per contra*, learned counsel for the State has vehemently opposed the submissions made by learned counsel for the petitioner. He has submitted that the petitioner has been specifically named in the FIR. He has submitted that the contraband weighing 94.19 grams of Tramadol Hydrochloride was allegedly recovered from the petitioner. He has submitted that the petitioner is a habitual offender, who is involved in 04 other cases. He has submitted that the petitioner has misused the concession of bail earlier granted to him by the learned trial Court. He, on instructions, has submitted that out of total 11 prosecution witnesses, 03 witnesses have been examined so far. He has produced custody certificate of the petitioner today in the Court, which is taken on record.

5. Heard.

6. On hearing learned counsel for the parties and perusing the record, it is deciphered that the alleged recovery from the petitioner was 230 tablets of Clovidol weighing of 94.19 grams of Tramadol Hydrochloride has been effected. Admittedly the same is a non commercial quantity. The petitioner was earlier granted the concession of



bail by the learned trial Court, however, as he failed to appear before the learned trial Court his bail was cancelled. Custody certificate produced would show that the petitioner has suffered an incarceration of 02 years, 05 months and 30 days as on 28.05.2026. It further reflects that the petitioner is involved in 04 more cases, however, in 01 case, he is on bail and in 03 of the cases, he has been acquitted.

7. Needless to say that every accused has the fundamental right of speedy trial. 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.”

8. 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.

7. 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 commenting anything on the merits of the case. Keeping in view the



arguments raised by both the sides and perusing the record, the Court is of the opinion that learned counsel for the petitioner succeeds in making out a case for the grant of bail.

8. 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.

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

29.05.2026

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(RAJESH BHARDWAJ)
JUDGE

Whether Speaking/Reasoned :	Yes/No
Whether Reportable :	Yes/No