



CRM-M-31520-2025

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

CRM-M-31520-2025

Date of Decision: 23.03.2026

Gurwinder Singh @ Jajji

..... Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Harmanpreet Singh, Advocate, for the petitioner.

Ms. Ramta Chowdhary, DAG, Punjab.

Rajesh Bhardwaj, J. (ORAL)

1. Prayer in the present petition is for grant of regular bail to the petitioner in a case FIR No.125 dated 22.08.2024, registered under Section 21(C) of NDPS Act, 1985, at Police Station Special Task Force, District STF Wing.

2. Succinctly, facts of the case are that on 22.08.2024, the police party while on patrolling received a secret information to the effect that Gurwinder Singh @ Jajji (petitioner) is involved in selling heroin and he is standing at Bus Stand main of village Janian. It was informed that in case of raid, he could be arrested alongwith the contraband. On receiving the information, a raiding team was constituted and raid was conducted at the place disclosed. A boy as disclosed in the secret information was seen at the Bus Stand. However, on seeing the police, he got perplexed and tried to escape, but the police party apprehended him. On asking, he disclosed his name to be Gurwinder Singh @ Jajji. He was suspected to be carrying some contraband and thus, his search was conducted. On conducting search, 505 grams of heroin was recovered from right pocket of his lower. He failed to



produced any licence regarding the possession of the same, and thus, on registration of the FIR, he was arrested on the spot. The investigation commenced. Samples taken were sent to the FSL. The petitioner approached the Court of learned Judge, Special Court, Amritsar praying for grant of regular bail. However, after hearing both the sides, the learned Court finding no merit in the same, dismissed the bail application filed by the petitioner vide order dated 08.05.2025. Hence, the petitioner has approached this Court praying for grant of regular bail by way of filing the present 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 submits that as per the case of the prosecution, the FIR was registered on the basis of the secret information. He submits that there is violation of Section 42 NDPS Act in the present case. He submits that the alleged recovery has been effected from a public place, however, no independent witness has been joined. He submits that there is violation of the mandatory provisions of Section 50 of the NDPS Act. To buttress his arguments, he submits that though the petitioner is involved in one more case, however, the same is not registered under the NDPS Act and he is on bail in that case. He submits that the petitioner is behind the bars from the last more than 1½ years, but there is no progress in the trial and thus, his right of speedy trial is miserably defeated. He, thus, has submitted 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. It is submitted that the petitioner was specifically named in the secret information. He was arrested



on the spot alongwith the contraband i.e. 505 grams of heroin, which is a commercial quantity and thus, provisions of Section 37 of the NDPS Act are attracted in the present case. On instructions, she has submitted that out of total 12 prosecution witnesses, one witness has been examined till date. She 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 as per the case of the prosecution, FIR in the present case was lodged on the basis of secret information. As contended before this Court, there is violation of Section 50 of the NDPS Act, in the present case. The custody certificate would show that the petitioner has suffered incarceration of 01 years, 06 months & 23 days as on 21.03.2026. It further shows that though the petitioner is involved in one other case, however, the same is not under the NDPS Act. One witness has been examined out of total 12 prosecution witnesses.

6. 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.*

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.'*

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. 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.

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.

23.03.2026

sharmila

(RAJESH BHARDWAJ)

JUDGE

Whether Speaking/Reasoned :

Whether Reportable

Yes/No

Yes/No2