

CRM-M-33013-2025; CRM-M-33155-2025;
CRM-M-42698-2025; CRM-M-49257-2025
CRM-M-46677-2025

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.33013 of 2025

Jagsir Singh @ Jordan Petitioner

Versus

State of Punjab Respondent

CRM-M No.33155 of 2025

Lovepreet Singh Petitioner

versus

State of Punjab Respondent

CRM-M No.42698 of 2025

Karamveer Singh @ Kali Petitioner

versus

State of Punjab Respondent

CRM-M No.49257 of 2025

Vikas Gupta Petitioner

versus

State of Punjab Respondent

CRM-M No.46677 of 2025

Lakhvir Singh @ Pitu @ Lakhveer Singh Petitioner

versus

State of Punjab Respondent

Date of Decision: 26.02.2026

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

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Present: Mr. P.S. Dhaliwal, Advocate and
Mr. D. S. Bhinder, Advocate
for the petitioner in CRM-M Nos.33013 & 33155 of 2025.

Mr. Angrej Singh Sarwara, Advocate
for the petitioner in CRM-M-42698-2025.

Mr. Gursahib Singh Hundal, Advocate and
Mr. Vikramjeet Singh, Advocate
for the petitioner in CRM-M-49257-2025.

Mr. L. S. Sekhon, Advocate
for the petitioner in CRM-M-46677-2025.

Ms. Ramta Chowdhary, DAG, Punjab.

Rajesh Bhardwaj, J. (ORAL)

1. By this order, I dispose of the above mentioned five petitions arising out of the same FIR.
2. All the petitions have been filed praying for the grant of regular bail to the petitioners in case bearing FIR No.53, dated 21.04.2025, under Sections 21, 22, 29 (Act No.61) of NDPS Act, 1985, registered at Police Station Barnala, District Barnala, Punjab.
3. Succinctly, the facts of the case are that the police party, while on patrolling on 21.04.2025, received a secret information to the effect that Karamveer Singh @ Kali (petitioner in CRM-M-42698-2025) and Jagsir Singh @ Jordan (petitioner in CRM-M-33013-2025) were involved in selling of intoxicant tablets and narcotic substances, i.e. Chitta. It was informed that they bring it from outside and sell the same in the area of Handiaya town. It was further informed that both were seen near the cremation ground on the Jaggoana Link Road, Handiaya and in case of raid,



they could be apprehended along with the contraband. On receiving the secret information, the raiding party was constituted and reached the place as disclosed in the secret information, where they saw two persons were sitting. However, on suspicion, both were apprehended by the police party. On asking, they disclosed their names to be Karamveer Singh @ Kali (petitioner in CRM-M-42698-2025) and Jagsir Singh @ Jordan (petitioner in CRM-M-33013-2025). They were holding a polythene bag and were suspected to be carrying some contraband in the same, thus, search of the same was conducted. On conducting the search of the polythene bag, 55 intoxicant tablets and 4 grams of *chitta/heroin* were recovered. They failed to produce any license regarding the conscious possession of the same, thus, the FIR was registered and both were arrested on the spot. On registration of the FIR, the investigation commenced. During the investigation, they made disclosure statement about the complicity of co-accused, namely, Lovepreet Singh (petitioner in CRM-M-33155-2025); Vikas Gupta (petitioner in CRM-M-49257-2025) and Lakhvir Singh @ Pitu @ Lakhveer Singh (petitioner in CRM-M-46677-2025) to be the purchasers of the contraband and thus, they all were arrayed as an accused in the present case. Resultantly, they all were arrested on the same day, i.e. 21.04.2025 and from their possession, 20 intoxicant tablets were recovered. On completion of the investigation, the challan was presented and on framing of charges, the trial commenced. The petitioners approached the Court of learned Judge, Special Court, Barnala praying for the grant of bail. However, after hearing both the sides and finding no merit in the same, the learned Judge, Special Court, Barnala



declined the bail applications filed by all the petitioners vide separate orders dated 05.06.2025 and 01.07.2025. Hence being aggrieved, the petitioners are before this Court by way of filing the present petitions praying for the grant of regular bail.

4. Learned counsels for the petitioners have contended that the petitioners have been falsely implicated in the present case. They have submitted that the present case is admittedly based on the secret information, but there is a violation of mandatory provisions of Section 42 of NDPS Act. They have submitted that the alleged recovery is effected from the public place, however, no independent witness was joined. He has submitted that there is a violation of mandatory provisions of Section 50 of NDPS Act in conducting the search. They have submitted that the conscious possession in itself is also not proved. They have submitted that in the secret information, there were only 02 accused mentioned, i.e. Karamveer Singh @ Kali and Jagsir Singh @ Jordan, whereas 03 of the co-accused, namely, Lovepreet Singh, Vikas Gupta and Lakhvir Singh @ Pitu @ Lakhveer Singh have been arrayed as an accused in the present case on the basis of disclosure statement of the co-accused, which in itself is not even an admissible evidence. To buttress their arguments, they have submitted that the petitioners have no criminal antecedents as they have never been involved in any other case. They have submitted that false implication of the petitioners is writ large. They have submitted that the petitioners are behind bars since the date of their arrest, however, there is no material progress in the trial as no witness has been examined by the prosecution till date. They have submitted that in



the facts and circumstances, the petitioners deserve to be granted regular bail.

5. *Per contra*, learned State counsel has vehemently opposed the submissions made by counsel for the petitioners. She has submitted that the petitioners, namely, Karamveer Singh @ Kali and Jagsir Singh @ Jordan were specifically named in the secret information and both were arrested on the spot along with the contraband. She has submitted that the quantity recovered at the spot is 55 intoxicant tablets weighing 10.835 grams of Etizolam and during the investigation, 20 more tablets of Etizolam, weighing 3.42 grams of Etizolam were recovered from other three co-accused, i.e. the petitioners, namely, Lovepreet Singh, Vikas Gupta and Lakhvir Singh @ Pitu @ Lakhveer Singh, which is a commercial quantity and the total weight of the contraband recovered in the present case is about 14 grams of Etizolam, which is again a commercial quantity and thus, the provisions of Section 37 of NDPS Act are attracted in this case. She, on instructions, has submitted that out of total 15 prosecution witnesses, no witness has been examined till date. She has produced custody certificates of all the petitioners today in the Court, which are taken on record.

6. This Court has heard learned counsel for the parties and perused the record with their able assistance.

7. After hearing counsel for the parties and perusing the record, it is deciphered that the secret information was qua 02 of the petitioners, namely, Karamveer Singh @ Kali and Jagsir Singh @ Jordan and rest of 03 of the co-accused, i.e. petitioners, namely, Lovepreet Singh, Vikas Gupta and Lakhvir Singh @ Pitu @ Lakhveer Singh have been arrayed as an



accused in the present case on the basis of disclosure statement. The recovery of contraband has been effected from the public place. As submitted before this Court by learned counsels for the petitioners that there is a violation of mandatory provisions of Sections 42 & 50 of NDPS Act. The petitioners are behind bars since the date of their arrest, i.e. 21.04.2025. Custody certificates produced would show that the petitioners have suffered an incarceration of 10 months & 04 days as on 25.02.2026. It further reflects that the petitioners are not involved in any other case. Out of total 15 prosecution witnesses, no witness has been examined so far.

8. 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.”

9. 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. 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 counsels for the petitioners succeed in making out a case for grant of regular bail to the petitioners.

10. Accordingly, all the petitions are allowed and the petitioners, namely, Karamveer Singh @ Kali, Jagsir Singh @ Jordan, Lovepreet Singh, Vikas Gupta and Lakhvir Singh @ Pitu @ Lakhveer Singh are ordered to be

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released on bail on their furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate.

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

26.02.2026

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(RAJESH BHARDWAJ)
JUDGE

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