



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

116-II

CRM-M-36709-2025 (O&M)

Date of decision : 12.01.2026

Palwinder Singh

..... Petitioner

VERSUS

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE SURYA PARTAP SINGH

Present : Mr. Yashpal Thakur, Advocate for the petitioner.

Mr. Eklavya Darshi, Deputy Advocate General, Punjab.

SURYA PARTAP SINGH, J. (oral)

1. For the commission of offence punishable under Sections 22-C and 29 of the Narcotic Drugs and Psychotropic Substances Act, hereinafter being referred to as 'NDPS Act', the FIR No.13 dated 16.01.2024 has been lodged in Police Station Sirhind, District Fatehgarh Sahib. The petitioner is being prosecuted for the commission of abovementioned offence and he has been arrested. The petitioner is in custody and, therefore, craving for bail. This is second petition filed by the petitioner, under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023.

2. In nut-shell, the facts emerging from record are that the FIR of this case came into being at the instance of SI Amarjeet Singh, who reported the matter to SHO concerned that on the basis of suspicion when a motorcycle was intercepted by a police party headed by him, Palwinder Singh @Gagan (petitioner herein) was apprehended and from his possession



15 injections of Leegesic Bupnorphine injections IP 2 ml and 15 bottles of Avil 10 ml were recovered.

3. It is the case of the prosecution in view of abovementioned chance recovery, formal FIR of this case was lodged and investigation taken up.

4. The prosecution has further alleged that during the course of investigation when the above-named accused, namely Palwinder Singh @Gagan, was interrogated, he suffered a disclosure statement, wherein he nominated 'Ravinder Kaur @Rano Bhabi'. According to prosecution, in view of abovementioned information, when the raid was executed at the residence of Ravinder Kaur, she was found in possession of 400 injections Buprenorphine IP 2 ml each along with 400 bottles of Avil 10 ml each. It is further case of the prosecution that in view of abovementioned recovery, accused Ravinder Kaur was arrested, and further investigation taken up. As per prosecution final report has been filed in the Court of learned Special Judge, Fatehgarh Sahib.

5. Notice of motion.

6. Since advance notice has already been served upon the State, Mr. Eklavya Darshi, Deputy Advocate General, Punjab accepts notice on behalf of respondent-State, and waives service.

7. Heard.

8. It has been contended on behalf of petitioner that the petitioner is innocent having no nexus, whatsoever, with the commission of crime, and



that he has been falsely implicated in the present case. According to learned counsel for the petitioner, a false story with regard to recovery of contraband from the possession of petitioner has been cooked-up by the police. In this regard, it has been pointed out by learned counsel for the petitioner that one of the strange part in the present petition is that pursuant to disclosure statement, raid was conducted at Ambala, but the Gazetted Officer, who was joined at the time of recovery did not belong to Ambala, rather he was called from Fatehgarh Sahib.

9. In addition to above, it has also been contended by learned counsel for the petitioner that otherwise also, the petitioner is in custody for a period of more than 01 year and 10 months, and that nothing is left to be recovered from the possession of petitioner, and that trial is taking place at a very slow pace, as out of 26 prosecution witnesses, only one prosecution witness has been examined so far.

10. As per learned counsel for the petitioner, the detention of petitioner in judicial lock-up is not likely to serve any purpose, and therefore, he is entitled for benefit of bail. In support of his contention, learned counsel for the petitioner has referred to the observations made by Hon'ble Supreme Court of India in Criminal Appeal No.859/2025 titled as 'Anandbhai Rajendrabhai Vaniya V/s The State of Gujarat', wherein the benefit of bail has been afforded to an accused due to delay in trial. The learned counsel for the petitioner has also referred to the observations made by this Court in CRM-M-2454 of 2024 titled as 'Bobby V/s State of Punjab' and CRM-M-3963-2022, titled as 'Mike Joseph V/s State of Punjab'. The



learned counsel for the petitioner has also contended that the Hon'ble Supreme Court of India in the case of 'Maulana Mohd. Amir Rashadi V/s State of U.P.', 2012(1) SCC (Cri) 681, has accorded the benefit of bail to an accused, who was implicated in multiple cases.

11. *Per contra*, the learned State Counsel has argued that this is second petition for bail moved by the petitioner, and that from the date of dismissal of former bail petition, no significant change in circumstances has taken place.

12. In addition to above, it has also been contended by learned State Counsel that the contraband allegedly recovered from the possession of petitioner comes within the ambit of 'commercial quantity', and that without satisfying the twin conditions enshrined under Section 37 of NDPS Act, the benefit of bail cannot be afforded to the petitioner.

13. The learned State Counsel has also argued that otherwise also, the quantity of contraband recovered from the possession of petitioner is too huge to be ignored, and that the trial is taking place at a satisfactory pace as out of 26 prosecution witnesses, one has been examined and three have been given up. As per learned State Counsel, 22 are left to be examined. The learned State Counsel has pointed out that the petitioner is a habitual offender, who has already been convicted in a case under NDPS Act.

14. The record has been perused carefully.



15. A perusal of record shows that in the present case, following are the relevant factors which are required to be taken into consideration, for a decision in the present petition: -

- i) that from the date of dismissal of former bail petition, no significant change in circumstances has taken place;
- ii) that there is nothing on record to show that rigors of Section 37 of NDPS Act stands complied with in this case;
- iii) that the quantity of contraband recovered from the possession of petitioner is very heavy; and
- iv) that the grievance of petitioner with regard to delay in trial can be redressed by issuing direction to the learned trial Court to conduct trial in a time-bound manner; and
- v) that the factual matrix of the present case being altogether different, the principles laid down in the cases, referred to by the learned counsel for the petitioner, are not applicable to the instant case.

16. If the cumulative effect of all the abovementioned factors, involved in the instant case, is taken into consideration it leads to the conclusion that at this stage the petitioner is not entitled for the benefit of bail, and that the present petition being devoid of merit deserves dismissal.

17. Accordingly, the present petition is hereby ***dismissed***.

18. However, before parting way with this order, it is relevant to note that the history of the instant case shows that the prosecution witnesses, who happen to be police officials, are not appearing before the learned trial



Court, and against them bailable warrants have been repeatedly issued by the learned trial Court.

19. In view of abovesaid facts, the Senior Superintendent of Police, Fatehgarh Sahib is hereby directed to ensure that on each and every date, the police official(s), who have been cited in the list of witnesses, would appear before the learned trial Court. The learned trial Court, too, is hereby directed not to adjourn the case, unless there exist exceptional circumstances.

(SURYA PARTAP SINGH)
JUDGE

12.01.2026

Gaurav Thakur

Whether speaking / reasoned	Yes/No
Whether Reportable	Yes/No