



CRM-M-37562-2025 and other connected cases

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

215 CRM-M-37562-2025
Date of decision: 13.01.2026

AJAY SHARMA ...PETITIONER

VERSUS

STATE OF PUNJAB ...RESPONDENT

226 CRM-M-59760-2025

JASWANT SINGH ...PETITIONER

VERSUS

STATE OF PUNJAB ...RESPONDENT

228 CRM-M-60721-2025

LIYA ...PETITIONER

VERSUS

STATE OF PUNJAB ...RESPONDENT

CORAM: HON’BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Sandeep Godara, Advocate for
Mr. Ajay Pal Singh Rehan, Advocate
for the petitioner in CRM-M-37562-2025.

Mr. Manoj R. Sharma, Advocate
for the petitioner in CRM-M-59760-2025.

Mr. Ankit Grewal, Advocate
for the petitioner in CRM-M-60721-2025.

Mr. Rituraj Singh, DAG, Punjab.

RAJESH BHARDWAJ, J. (ORAL)

1. In the above mentioned petitions common question of law and facts are

involved, so all the petitions are being disposed of by a common judgment. For
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brevity, facts are being taken from CRM-M-37562-2025 titled as “Ajay Sharma Versus State of Punjab.”

2. Petitioner(s) have approached by way of filing the present petition praying for grant of regular bail in case bearing FIR No.70 dated 18.12.2024 under Sections 21-C and 27-A of NDPS Act, 1985 (Section 29 of NDPS Act, 1985 added subsequently), registered at Police Station Tibber, District Gurdaspur.

3. Succinctly, the facts of the present case are that the police party, while on patrolling on 18.12.2024, saw an Activa Scooter which was being driven by a girl and a boy was sitting pillion. On seeing the police party, they got perplexed and tried to run away. After parking the scooter on the side of road, the girl threw a black colour polythene bag, which she was holding. The police on suspicion, surrounded them and both were apprehended. On asking, the girl disclosed her name to be Liya (petitioner in CRM-M-60721-2025) and the boy who was riding pillion disclosed his name to be Ajay Sharma (petitioner in CRM-M-37562-2025). They were suspected to be carrying some contraband and thus, search of the polythene being thrown by girl was carried out. On conducting the search of the girl, 257 grams of heroin was recovered. On conducting the search of Ajay Sharma an amount of Rs.3500/- was recovered. They failed to produce any license regarding possession of the same. Thus, FIR got registered and petitioner(s) were arrested on the spot. After registration of FIR, investigation commenced. The samples taken were sent to the FSL. On completion of the investigation, the challan was presented and on framing of charges, trial commenced. The complicity of the petitioner, namely, Jaswant Singh (petitioner in CRM-M-59760-2025) is surfaced on the basis of disclosure statement of co-accused, Liya. Petitioner(s) have approached the learned Judge Special Court,

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merit in the same, the learned Judge Special Court, Gurdaspur declined the bail applications vide orders dated 14.05.2025, 25.06.2025 and 01.07.2025, respectively. The petitioner in CRM-M-59760-2025 has earlier approached this Court by way of filing CRM-M-34776-2025 and the same was not pressed vide order dated 11.07.2025. Aggrieved by the same, petitioner(s) in CRM-M-37562-2025 and CRM-M-60721-2025 are before this Court praying for the grant of bail by way of filing the present petitions whereas petitioner in CRM-M-59760-2025 is before this Court praying for the grant of bail by way of filing the present second petition.

4. Learned counsel for the petitioner(s) in CRM-M-37562-2025 and CRM-M-60721-2025 have vehemently contended that the petitioner has been falsely implicated in the present case. They submit that the alleged recovery has been effected from a public place and no independent witness has been joined and the provisions of Section 50 of the NDPS Act have been violated. They submit that even otherwise, the alleged recovery is of 257 grams of heroin including the weight of the polythene, thus, the alleged recovery is marginally above the commercial quantity. They further submit that petitioner(s) have no criminal antecedents as they never involved in any other case. They further submit that petitioner(s) are behind bars since 18.12.2024. There is no indication of any progress in the trial. They further submit that in the facts and circumstances, the petitioner(s) deserve to be granted regular bail.

5. Learned counsel for the petitioner in CRM-M- 59760-2025 submits that the petitioner was never present at the time of occurrence nor any recovery has been effected from him. He further submits that petitioner has been implicated on the basis of the statement of the co-accused, namely, Liya. He further submits that



in other case.

6. *Per contra*, learned State counsel has opposed the submissions made by counsel for the petitioner. He submits that petitioner(s) were arrested on spot as there was a recovery of 257 grams of heroin effected from them, which is commercial quantity, thus, the provisions of Section 37 of NDPS Act are attracted. On instructions, he submits that out total 17 prosecution witnesses, none has been examined till date. He has produced the custody certificates of petitioner(s) today in the Court and the same are taken on record.

7. Heard.

8. On hearing learned counsel for the parties and perusing the record, it is deciphered that the recovery in the present case has been effected from the public place. The alleged recovery from the polythene having been thrown was 257 grams of heroin. As per the statue, the quantity above 250 grams is commercial quantity, though, the charges have already been framed. Custody certificate produced would show that the petitioner(s), namely, Ajay Sharma and Liya have completed incarceration of 01 year and 22 days as on 12.01.2026 and petitioner, namely, Jaswant Singh has completed incarceration of 01 year and 01 day. It further reflects that the petitioner(s), namely, Ajay Sharma and Liya are not involved in any other case whereas petitioner, namely, Jaswant Singh is involved in 05 more cases, however, he is on bail in one case and has been acquitted in another case. Out of 17 prosecution witnesses, none has been examined till date. Needless to say that speedy trial is the fundamental right of every accused.

9. 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



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.”*

10. The veracity of the allegations would be assessed only after the

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parties before the trial Court.

11. Thus, keeping in view the overall facts and circumstances of the case, this Court is of the opinion that learned counsel for the petitioner(s) succeed in making out a case for grant of regular bail. Accordingly, the present petitions are allowed. Petitioner(s) are ordered to be released on bail on their 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.

12. In case the bail bonds are not furnished by the petitioner in CRM-M-59760-2025 during the period of 07 days from today, then his further custody period after one week will not be counted in the present case.

13.01.2026
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(RAJESH BHARDWAJ)
JUDGE

Whether speaking/reasoned: Yes/No
Whether reportable: Yes/No