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

CRM-M-38978-2025

Date of decision: 05.02.2026

HARMANDEEP SINGH**...PETITIONER****VERSUS****STATE OF PUNJAB****...RESPONDENT****CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ**

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

Ms. Ramta Chowdhary, DAG, 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.59 dated 03.04.2025, under Section 22 of NDPS Act, 1985 and Section 25 of Arms Act, 1959, registered at Police Station City Rajpura, District Patiala.

2. Succinctly, the facts of the case are that the police party, while on patrolling on 03.04.2025, when police party reached Fawara chowk, they saw a car bearing registration No. PB-11-BV-2700 coming from the right side of the road in which four persons were sitting. On seeing the police party, they got perplexed and the driver of the car started reversing the car. On suspicion, they were stopped by police party. However, one of the inmates of the car succeeded in escaping. Three of the persons sitting in the car were apprehended. On asking, the person sitting on the driver seat disclosed his name to be Harmandeep Singh (present petitioner), the person sitting on the rear seat disclosed his name to be Jashanpreet Singh and the third person sitting on the rear seat disclosed his name Ekam Singh. They were suspected to be carrying some contraband. Thus, search

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was carried out. On conducting the search of the car, 800 intoxicant pills (i.e. 80 strips of 10 tablets each) of Pronol-A and 240 intoxicant pills (i.e. 24 strips of 10 tablets each) of Zolipax 0.05, one pistol .32 bore on its barrel 0.32" were recovered. They failed to produce any license regarding the possession of the same. FIR got registered and all the three accused were arrested at the spot. However, accused, namely, Ekam Singh was not found involved and thus, his name was dropped during investigation. The investigation commenced. During investigation, the 4th person who escaped from a place of occurrence was identify to be Narwinderpal Singh @ Navi, however, he was also exonerated. On completion of the investigation, the challan was presented and on framing of charges, trial commenced. Petitioner approached the learned Judge, Special Court, Patiala for grant of bail. However, after hearing both the sides and finding no merit in the same, the learned Judge, Special Court, Patiala declined the bail application vide order dated 04.07.2025. Aggrieved by the same, petitioner is before this Court praying for the grant of bail by way of filing the present petition.

3. Learned counsel for the petitioner has vehemently contended that the petitioner has been falsely and frivolously implicated in the present case. He submits that the alleged recovery has been effected from a public place, however, no independent witness has been joined and the provisions of Section 50 of the NDPS Act have been violated. He further submits that there were four occupants in the car, out of whoms one managed to escape. Out of the remaining three, Ekam Singh, who was admittedly in the car itself has also been exonerated by the Investigation Agency. He further submits that the one, Narwinderpal Singh @ Navi was also exonerated and the weapon recovered from the car at the time



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He further submits that the investigation, on the face of it, appears to be tainted and biased. He fairly contended that the false implication of the petitioner is writ large. He further submits that petitioner is behind bars since 03.04.2025 and he is involved in one more case, however, he is on bail in that case. He further submits that in the facts and circumstances, the petitioner deserves to be granted regular bail.

4. Per contra, learned State counsel has opposed the submissions made by the counsel for the petitioner and submits that the petitioner was arrested at the spot. The recovery effected from the car in which he was travelling is 17,502 grams of Alprazolam, which falls within the category of commercial quantity in the present case. Thus, the rigours of Section 37 of the NDPS Act are attracted in the present case. She, on instructions, submits that out of total 19 prosecution witnesses, none has been examined till date. She has placed on record the custody certificate of the petitioner.

5. Heard.

6. On hearing learned counsel for the parties and perusing the record, it is deciphered that the alleged recovery was effected from the public place. The case of the prosecution, 04 persons were travelling in the car, out of them, two have been exonerated. Custody certificate produced would show that the petitioner has completed incarceration of 09 month and 30 days as on 04.02.2026 and he is involved in one more case, however, he is on bail in that case. Out of total 09 prosecution witnesses, none has been examined till date.

7. In view of the facts and circumstances of the present case, this Court cannot ignore the fact that the speedy trial is the fundamental right of every accused. As held by the Hon'ble Supreme Court in *Mohd Muslim @ Hussain*

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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.



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8. The veracity of the allegations would be assessed only after conclusion of the trial and on the appreciation of evidence to be led by both the parties before the trial Court.

9. This Court would refrain itself from commenting anything on the merits of the case. Keeping in view, 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. Accordingly, the present petition is allowed. Petitioner is ordered to be released on bail on his 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.

05.02.2026
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(RAJESH BHARDWAJ)
JUDGE

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