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

**CRM-M No.43829 of 2025
Date of Decision: 30.03.2026**

Karnail Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Karajveer Singh, Advocate and
Mr. Piyush Khanna, Advocate
for the petitioner.

Mr. Raj Karan Singh, Asstt. A.G., 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.16, dated 05.03.2025, under Sections 22/31/61/85 of NDPS Act and Section 111 of BNS, registered at Police Station Chabbewal, District Hoshiarpur, Punjab.
2. Succinctly, the facts of the case are that the police party was on patrolling on 05.03.2025 and when they reached near village Bassi Kalan, towards kacha rasta which falls in village Mehna, they saw one person coming on foot from the opposite side. On seeing the police, he got perplexed and tried to turn back and started walking quickly away. He after taking out a heavy waxed envelope from the right pocket of his



jacket, threw the same to the side of the road. However, on suspicion, he was apprehended by the police party. On asking, he disclosed his name to be Paramjit Singh @ Madda. He was suspected to be carrying some contraband in the heavy waxed envelope being thrown by him and thus, search of the same was conducted. On conducting the search of the envelope, 105 grams of intoxicant powder was recovered. He failed to produce any licence regarding the conscious possession of the same, thus, the FIR was registered and he was arrested on the spot. The samples taken were sent to the FSL. On receipt of FSL, the contraband recovered weighs 105 grams of Alprazolam. During the investigation, complicity of the petitioner, namely, Karnail Singh, surfaced and, thus, he was arrayed as an accused in the present case. Resultantly, the petitioner was arrested on 14.03.2025. On completion of the investigation, the challan has been presented and on framing of charges, the trial commenced. The petitioner approached the Court of learned Judge, Special Court, Hoshiarpur praying for the grant of regular bail. However, after hearing both the sides and finding no merit in the same, the learned Judge, Special Court, Hoshiarpur dismissed the bail application filed by the petitioner vide order dated 06.06.2025. Hence being aggrieved, the petitioner is before this Court praying for grant of regular bail by way of filing the present petition.

3. Learned counsel for the petitioner has submitted that the petitioner has been falsely implicated in the present case. He has submitted that evidently as per the case of the prosecution, 105 grams of Alprazolam has been recovered from the co-accused, namely, Paramjit Singh @ Madda. He has submitted that the petitioner has been arrayed as an



accused in the present case on the basis of disclosure statement of co-accused, which is not even an admissible evidence. He has submitted that though the petitioner is falsely implicated in 09 other cases, however, in most of the cases, he is on bail and in rest of the cases, he has already undergone the sentence. He has submitted that the petitioner is behind bars from last more than 1 year, however, there is no progress in the trial. He has submitted that in the facts and circumstances, the petitioner deserves to be granted regular bail.

4. *Per contra*, learned counsel for the State has vehemently opposed the submissions made by learned counsel for the petitioner. He has submitted that the petitioner is a habitual offender, who is involved in 08 other cases. He has submitted that on effecting the recovery of 105 grams of Alprazolam from the co-accused, namely, Paramjit Singh @ Mada, complicity of the petitioner has been *prima facie* surfaced in his disclosure statement wherein the petitioner was found to be the supplier of the contraband recovered. He, on instructions, has submitted that out of total 11 prosecution witnesses, 07 witnesses remain to be examined. He has further submitted that the contraband, weighing 105 grams of Alprazolam recovered, from the co-accused in the present case, is commercial in nature, and, thus, the provisions of Section 37 of NDPS Act are attracted. He has produced custody certificate of the petitioner today in the Court, which is taken on record.

5. Heard.

6. On hearing learned counsel for the parties and perusing the record, it is deciphered that the recovery of 105 grams of Alprazolam has



been effected from the co-accused, namely, Paramjit Singh @ Madda. As per the statutory provisions, the quantity above 100 grams is commercial in nature and in the present case, the recovery effected is 105 grams. The petitioner is behind bars since the date of his arrest. Out of total 11 prosecution witnesses, 07 witnesses remain to be examined. Custody certificate produced would show that the petitioner has suffered an incarceration of 01 year and 14 days as on 28.03.2026. It further reflects that the petitioner is involved in 08 other cases, however, in 03 of the cases, he is on bail and in 01 case, he has already undergone the sentence.

7. 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.”

8. 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.

9. This Court would refrain itself from commenting anything on the merits of the case. Keeping in view the arguments raised by both the sides and perusing the record, the Court is of the opinion that learned counsel for the petitioner succeeds in making out a case for the grant of bail.

10. 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. However, if the petitioner does not furnish the bail bonds within seven days from today, then his further custody period after one week will not be counted in this case.

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

30.03.2026	(RAJESH BHARDWAJ)
<i>rittu</i>	JUDGE
Whether Speaking/Reasoned :	Yes/No
Whether Reportable :	Yes/No