



114 (2 cases)

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

1. CRM-M-49959-2025

Pargat Singh @ Sajan @ SappPetitioner

versus

State of Punjab Respondent

2. CRM-M-62358-2025

Amandeep Singh @ AmanPetitioner

versus

State of Punjab Respondent

Date of decision : 20.03.2026

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Atinderpal Singh, Advocate for
Mr. Rahul Sethi, Advocate in CRM-M-49959-2025
Mr. Rishu Mahajan, Advocate in CRM-M-62358-2025
for the petitioner(s).

Ms. Ramta Chowdhary, D.A.G., Punjab.

RAJESH BHARDWAJ, J. (Oral)

1. By way of this common order, this Court intend to dispose of
abovesaid two petitions as they have arisen out of the same FIR.

2. Petitioners have approached this Court by way of present
petitions praying for granting them regular bail in case FIR No.193 dated
21.10.2024, under Sections 21(b), 21(c), 27-A/29/61/85 of Narcotic Drugs
and Psychotropic Substances Act, 1985, registered at Police Station
Chheharta, District Police Commissionerate Amritsar.



3. Succinctly, the facts of the present case are that the police party, while on patrolling on 21.10.2024, saw one boy was coming on activa, who was signalled to stop. He got perplexed and instead of stopping the activa, he tried to turn back the activa but got slipped. Thereafter, he was apprehended by the police party. On asking, he disclosed his name to be Suhail. He was suspected to be carrying some contraband and on giving the offer, search was conducted. On conducting the search of the activa, one transparent polythene bag containing 2.5 kgs heroin along with a small computerized weighing scale and Indian currency notes amounting to Rs.2000/-, were recovered from the boot of the Activa scooter. He failed to produce any licence regarding possession of the same and thus, the FIR was registered and he was arrested on spot. The investigation commenced. During investigation, he made a disclosure statement about the involvement of the petitioners, thus they were arrayed as accused and resultantly, petitioner-Pargat Singh (in CRM-M-49959-2025) was arrested on 21.06.2025 and petitioner- Amandeep Singh (in CRM-M-62358-2025) was arrested on 27.11.2024. Samples taken were sent to FSL. On receipt of FSL, trial commenced. Petitioners approached Learned Judge, Special Court, Amritsar praying for grant of bail, however, finding no merit, their applications were declined after hearing both the sides by Learned trial Courts vide orders dated 21.08.2025 and 08.09.2025, respectively. Aggrieved by the same, petitioner-Amandeep Singh @ Aman earlier approached this Court by way of filing of CRM-M-6124-2025, which was dismissed as withdrawn on 07.05.2025, hence, the petitioner is before this Court by way of filing of second petition. However, *qua* petitioner-Pargat Singh @ Sajan @ Sapp, present one is the first petition, praying for grant of bail.



4. It has been submitted by learned counsels for the petitioners submitted that that the petitioners have been falsely implicated in the present case. It is submitted that admittedly the recovery of total contraband weighing 2.5 kgs of heroin is from co-accused, namely, Suhail and not from the petitioners. It is submitted that the petitioners were neither present at the time of occurrence nor any contraband has been recovered from them. It is submitted that only on the basis of disclosure statement of co-accused, namely, Suhail, they have been arrayed as an accused in the present case on the allegations that they used to come to co-accused, Suhail, in their car for receiving the drug money. It is submitted that the disclosure statement in itself is not an admissible evidence. To buttress their arguments, it is submitted that petitioner-Amandeep Singh @ Aman has no criminal antecedents as he has never been involved in any other case and so far as petitioner-Pargat Singh @ Sajan is concerned, though he is involved in one more case, however, he is on bail in the said case. It is submitted that the petitioners are behind bars since the date of their arrest and having been falsely implicated, petitioners deserve to be granted bail.

5. Status report by way of affidavit of Mr. Shivdarshan Singh, Assistant Commissioner of Police, West, Amritsar, has been filed on behalf of respondent-State in the Court today, same is taken on record.

6. Learned State counsel has vehemently opposed the submissions made by the counsels for the petitioners and submits that recovery of 2.5 kgs of heroin was effected from co-accused, Suhail and it is during investigation, Suhail made disclosure statement about the petitioners and thus, their complicity surfaced. It is submitted that the



commercial quantity and thus, provisions of Section 37 of NDPS Act, are attracted in the present case. She submits that petitioner-Pargat Singh is involved in 02 other cases, out of which, one case is under the NDPS Act. She, on instructions, has submitted that charges have been framed and out of total 21 prosecution witnesses, none has been examined so far. She has produced the custody certificates of the petitioners on record.

7. On hearing counsel for the parties and perusing the record, it is deciphered that evidently the petitioners have been arrayed as an accused on the basis of disclosure statement of co-accused. Recovery of 2.5 kgs of heroin is from co-accused, namely, Suhail and not from the petitioners. As per custody certificates, petitioner-Pargat Singh has suffered an incarceration of 08 months and 24 days as on 19.03.2026. It further reflects that the petitioner is involved in 02 more cases, one of them is under the NDPS Act. Petitioner-Amandeep Singh has suffered an incarceration of 01 year, 03 months and 17 days as on 19.03.2026. It further reflects that the petitioner has no criminal antecedents. Out of total 21 prosecution witnesses, none has been examined so far.

8. 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 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.

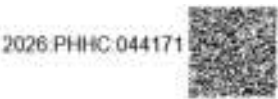
22. xxxxx

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 conclusion of the trial and on the appreciation of evidence to be led by both the parties before the trial Court.

10. This Court would refrain itself from commenting anything on the merits of the case. Thus, keeping in view the overall facts and circumstances of the case, this Court is of the opinion that learned counsel for the petitioners succeed in making out a case for grant of regular bail.

Accordingly, both the petitions are allowed. Petitioners 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.

11. In case the bail bonds are not furnished by petitioner-Pargat Singh @ Sajjan, during the period of 07 days from today, then his further custody period after one week will not be counted in the present case.

20.03.2026
ps-I

(RAJESH BHARDWAJ)
JUDGE

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