



CRM-M-49975-2025 and
CRM-M-64299-2025

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229+238 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

1) CRM-M-49975-2025
Date of decision: 21.01.2026

MOHAN SINGH @ MAAN ...PETITIONER

VERSUS

STATE OF PUNJAB ...RESPONDENT

2) CRM-M-64299-2025 (O&M)

CHAND SINGH ...PETITIONER

VERSUS

STATE OF PUNJAB ...RESPONDENT

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Karandeep Singh Sidhu, Advocate
for the petitioner in CRM-M-49975-2025.

Ms. Riffi Birla, Advocate
for the petitioner in CRM-M-64299-2025.

Mr. Raj Karan Singh, AAG, Punjab.

RAJESH BHARDWAJ, J. (ORAL)

1. In the above mentioned petitions common question of law and facts are involved, so both the petitions are being disposed of by a common judgment. For brevity, facts are being taken from CRM-M-49975-2025 titled as "*Mohan Singh @ Maan 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.10 dated 18.05.2024 under Sections 21/C and 29 of NDPS Act, 1985 (Sections 25, 27 of NDPS Act, 1985 added later on vide GD No. 26 dated 20.05.2024, Section 201 of IPC vide GD No. 38 dated 23.08.2024 and Section 23 of NDPS Act vide GD No.



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16 dated 08.11.2024), registered at Police Station SSOC, District Fazilka.

3. Succinctly, the facts of the case are that the police party, while on patrolling on 18.05.2024, they saw two persons coming on motorcycle without number plate. On seeing the police, they got perplexed and tried to speed the motorcycle from the spot, however, police party stopped the motorcycle by parking government vehicle in front of the motorcycle. However, the police party succeeding in apprehending them. On asking, the driver of the motorcycle disclosed his name to be Mohan Singh @ Maan (petitioner in CRM-M-49975-2025) where the pillion rider who was holding a bag, disclosed his name to be Angrej Singh. They were suspected to be carrying some contraband. Thus, search was carried out. On conducting the search, 1 kg of heroin was recovered from the bag being held by Angrej Singh @ Geja @ Geji, who was the pillion rider. They failed to produce any license regarding the possession of the same and they were arrested at the spot. On 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, Chand (petitioner in CRM-M-64299-2025) is surfaced on the basis of disclosure statement of co-accused, namely, Angrej Singh @ Geja @ Geji. Petitioner(s) approached the learned Judge, Special Court, Fazilka for grant of bail. However, after hearing both the sides and finding no merit in the same, the learned Judge, Special Court, Fazilka declined the bail applications vide orders dated 28.04.2025 and 10.01.2025, respectively. Thereafter, the petitioner, namely, Chand Singh approached this Court by filing one bail petition bearing CRM-M-7080-2025 which was dismissed as withdrawn vide order dated



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for the grant of bail by way of filing the present petitions.

3. Learned counsel for the petitioner(s) have vehemently contended that the petitioner(s) have 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 further submit petitioner(s) have no criminal antecedents and have never been involved in any other case. The petitioner(s) are behind bars since 18.05.2024 and 20.08.2024. However, there is no material progress in the trial. Learned counsel for petitioner, namely, Chand Singh in CRM-M-64299-2025 submits that neither there is recovery from the petitioner nor he was named in the FIR. However, he was nominated on the basis of disclosure statement of the co-accused, namely, Angrej Singh @ Geja @ Geji. They further submits that in the facts and circumstances, the petitioner(s) deserve to be granted regular bail.

4. Per contra, learned State counsel has opposed the submissions made by the counsel for the petitioner(s) and submits that the petitioner, namely Mohan Singh @ Maan was arrested on spot and he was driver of the motorcycle. The alleged recovery is of 1 kg of heroin, which is a commercial quantity; therefore, the rigours of Section 37 of the NDPS Act are attracted in the present case. He further submits that the complicity of the petitioner, namely Chand Singh, surfaced on the ground that his land is situated near the international border and, as a modus operandi, consignments from Pakistan are allegedly dropped on his land through drones, which are thereafter collected and supplied to the co-accused. He, on instructions, has submitted that out of total 23 prosecution witnesses, only 02 have been examined so far. He has



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same are taken on record and he is not involved in any other case.

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. During investigation, the complicity of the petitioner, namely, Chand Singh surfaced on the basis of the disclosure statement of the co-accused. Custody certificate produced would show that the petitioner, namely, Mohan Singh @ Maan has completed incarceration of 01 year, 07 months and 26 days whereas petitioner, namely, Chand Singh has complete incarceration of 01 year, 04 months and 27 days as on 19.01.2026. It further reflects that the petitioner(s) are not involved in any other case. Out of total 23 prosecution witnesses, only 02 have been examined so far. Needless to say that speedy trial is the fundamental right of every accused.

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 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



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

9. The Hon’ble Supreme Court in **Ashim @ Asim Kumar Haranath Bhattacharya @ Asim Harinath Bhattacharya @ Aseem Kumar Bhattacharya Vs. National Investigation Agency, 2022(1) SCC 695** has held as under:



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trial is not consistent with Article 21 of the Constitution of India. While deprivation of personal liberty for some period may not be avoidable, period of deprivation pending trial/appeal cannot be unduly long. At the same time, timely delivery of justice is part of human rights and denial of speedy justice is a threat to public confidence in the administration of justice.”

10. The Hon’ble Supreme Court in a recent decision dated 03.07.2024 in **‘Javed Gulam Nabi Shaikh Vs. State of Maharashtra, Criminal Appeal No. 2787 of 2024’**, has held that howsoever serious a crime may be, an accused has the right to speedy trial under the Constitution of India.

11. 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(s) succeed in making out a case for grant of regular bail to the petitioner(s). 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.

21.01.2026
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(RAJESH BHARDWAJ)
JUDGE

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