



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

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CRM-M-50032-2025 (O&M)
Date of decision : 16.01.2026

Bhupinder Singh

..... Petitioner

VERSUS

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE SURYA PARTAP SINGH

Present : Mr. Tanvir S. Grewal, Advocates for the petitioner.

Mr. I.P.S. Sabharwal, DAG, Punjab.

SURYA PARTAP SINGH, J. (oral)

1. For the commission of offence punishable under Sections 21(c), 25 and 29 of the 'Narcotic Drugs and Psychotropic Substances Act', hereinafter being referred to as 'NDPS Act' only, the FIR No.65 dated 26.03.2025 has been lodged in Police Station Gharinda, District Amritsar Rural. The petitioner is being prosecuted for the commission of abovementioned offence and he has been arrested. The petitioner is in custody and, therefore, craving for bail. This is second petition for bail filed by the petitioner under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023.

2. In nut-shell, the facts emerging from record are that the FIR of this case came into being at the instance of 'SI Rachhpal Singh', who reported that on 26.03.2025, when he was heading a police party deputed for



patrolling duty, a reliable source gave him a tip-off that Jashandeep Singh @Jashan, Akashdeep Singh and Harpreet Singh @Honey were travelling in a car bearing registration No.PB10-GQ-8008, and that they were carrying huge quantity of heroin. As per above-named police official in view of abovementioned information, the abovementioned car was intercepted, and on search of abovementioned car, 03 kg of heroin was recovered, wherein Jashandeep Singh @Jashan, Akashdeep Singh and Harpreet Singh @Honey were travelling.

3. It is the further case of the prosecution that on recovery of abovementioned contraband, necessary formalities with regard to seizure & sealing of contraband, lodging of FIR, and arrest of the accused were performed, and further investigation taken up. As per prosecution, during the course of investigation it was found that the car, which was used by Dhalwinder Singh, when he supplied drug to Jashandeep Singh @Jashan, Akashdeep Singh and Harpreet Singh @Honey, belonged to his brother Bhupinder Singh (petitioner herein). In view of abovementioned link, on 18.04.2025, the petitioner was arrested.

5. The learned State Counsel has filed status report as well as custody certificate of the petitioner. The same be taken on record.

6. Heard.

7. It has been contended on behalf of petitioner that the petitioner is innocent having no nexus, whatsoever, with the commission of crime, and that he was not found in conscious possession of contraband allegedly recovered from the possession of co-accused Jashandeep Singh @Jashan,



Akashdeep Singh and Harpreet Singh @Honey. According to learned counsel for the petitioner, the petitioner has been implicated, merely, on the basis of car, which was registered in his name and was used by his brother Dhalwinder Singh when he met Jashandeep Singh @Jashan, Akashdeep Singh and Harpreet Singh @Honey for supply of drugs.

8. In addition to above, the learned counsel for the petitioner has also contended that the petitioner has already suffered a prolonged incarceration for being in custody for a period of eight and a half months, and that the petitioner has clean antecedents. It has also been contended by learned counsel for the petitioner that the former bail petition filed by the petitioner was dismissed as withdrawn and no decision on merit was taken thereupon. According to learned counsel for the petitioner, the name of the petitioner does not figure in the FIR.

9. *Per contra*, the learned State Counsel has argued that in the present case, the quantity of contraband recovered comes within the ambit of commercial quantity, and therefore, without satisfying the twin conditions enshrined under Section-37 of NDPS Act, the benefit of bail cannot be afforded to the petitioner.

10. However, this fact has not been disputed by the learned State Counsel that the petitioner has been implicated on the basis of car, which was registered in his name and was used by the co-accused Jashandeep Singh @Jashan, Akashdeep Singh and Harpreet Singh @Honey.

11. The record has been perused carefully.



12. A perusal of record shows that in the present case, following are the relevant factors which are required to be taken into consideration, for the decision in the present petition: -

- (i) that the only evidence available against the petitioner is that the car which was registered in his name, was used by co-accused Dhalwinder Singh;
- (ii) that the petitioner has already suffered prolonged incarceration for a period of eight and a half months;
- (iii) that petitioner has no criminal antecedents;
- (iv) that name of the petitioner does not figure in the FIR;
- (v) that nothing is left to be recovered from the possession of petitioner;
- (vi) that former bail petition of the petitioner was not decided on merits, and from the date of dismissal of former bail petition, considerable time has elapsed, but there is no progress in the trial;
- (vii) that trial is not likely to be concluded in near future;
- (viii) that detention of petitioner in judicial lock up is not likely to serve any purpose;
- (ix) that there is nothing on record to show that if released on bail, the petitioner may tamper with the evidence or influence the witnesses; and
- (x) that there is nothing on record to show that if released on bail, the petitioner will not co-operate/participate in the trial.



13. In the present case, the principles of law laid down by the Hon'ble Supreme Court in the case of "Dataram versus State of Uttar Pradesh and another", 2018(2) R.C.R. (Criminal) 131, are relevant, wherein it has been observed that "a fundamental postulate of criminal jurisprudence is the presumption of innocence, meaning thereby that a person is believed to be innocent until found guilty. However, there are instances in our criminal law where a reverse onus has been placed on an accused with regard to some specific offences but that is another matter and does not detract from the fundamental postulate in respect of other offences. Yet another important facet of our criminal jurisprudence is that the grant of bail is the general rule and putting a person in jail or in a prison or in a correction home (whichever expression one may wish to use) is an exception. Unfortunately, some of these basic principles appear to have been lost sight of with the result that more and more persons are being incarcerated and for longer periods. This does not do any good to our criminal jurisprudence or to our society. There is no doubt that the grant or denial of bail is entirely the discretion of the judge considering a case but even so, the exercise of judicial discretion has been circumscribed by a large number of decisions rendered by this Court and by every High Court in the country. Yet, occasionally there is a necessity to introspect whether denying bail to an accused person is the right thing to do on the facts and in the circumstances of a case".

14. The principles laid down by the Hon'ble the Supreme Court of India in the case of 'Satender Kumar Antil Vs. Central Bureau of



Investigation and Another’, (2022) 10 SCC 51, are also relevant in this case. In the abovementioned case, it has been observed that “the rate of conviction in criminal cases in India is abysmally low. It appears to us that this factor weighs on the mind of the Court while deciding the bail applications in a negative sense. Courts tend to think that the possibility of a conviction being nearer to rarity, bail applications will have to be decided strictly, contrary to legal principles. We cannot mix up consideration of a bail application, which is not punitive in nature with that of a possible adjudication by way of trial. On the contrary, an ultimate acquittal with continued custody would be a case of grave injustice”.

15. Recently, in the case of ‘Tapas Kumar Palit Vs. State of Chhattisgarh’, 2025 SCC Online SC 322, the Hon’ble Supreme Court of India has observed that “if an accused is to get a final verdict after incarceration of six to seven years in jail as an undertrial prisoner, then, definitely, it could be said that his right to have a speedy trial under Article 21 of the Constitution has been infringed”. It has also been observed by the Hon’ble Supreme Court of India in the abovementioned case that “delays are bad for the accused and extremely bad for the victims, for Indian society and for the credibility of our justice system, which is valued. Judges are the masters of their Courtrooms and the Criminal Procedure Code provides many tools for the Judges to use in order to ensure that cases proceed efficiently”.

16. Therefore, to elucidate further, this Court is conscious of the basic and fundamental principle of law that right to speedy trial is a part of



reasonable, fair and just procedure enshrined under Article 21 of the Constitution of India. This constitutional right cannot be denied to the accused as mandated by Hon'ble Apex court in "Balwinder Singh versus State of Punjab and Another", 2024 SCC Online SC 4354.

17. If the cumulative effect of all the abovementioned factors, involved in the instant case, is taken into consideration, it leads to a conclusion that the petitioner is entitled for the benefit of bail, and that the present petition deserves to be allowed.

18. Accordingly, without commenting anything on the merits of the case, the present petition is hereby **allowed**. The petitioner is hereby ordered to be released on bail on his furnishing personal bond and surety bond(s) to the satisfaction of learned trial Court, subject to the following conditions:-

- (i) that the petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, so as to dissuade him to disclose such facts to the Court or to any other authority.
- (ii) that the petitioner shall at the time of execution of bond, furnish the address to the Court concerned and shall notify the change in address to the trial Court, till the final decision of the trial; and
- (iii) that the petitioner shall not leave India without prior permission of the trial Court.

(SURYA PARTAP SINGH)
JUDGE

16.01.2026

Gaurav Thakur

Whether speaking / reasoned
Whether Reportable

Yes/No
Yes/No