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

CRM-M-51208-2025

Date of decision: 16.03.2026

Gurmeet Singh

.....Petitioner

versus

State of Punjab

..... Respondent

**CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ**

Present :- Mr. Harpreet Maini, Advocate  
for the petitioner.

Mr. Raj Karan Singh, AAG, Punjab.

**RAJESH BHARDWAJ, J. (Oral)**

1. Petitioner has approached this Court by way of filing the present second petition praying for grant of regular bail to him in case FIR No.51 dated 17.06.2021, under Sections 22(c) and 29 of the NDPS Act, 1985 and Sections 420, 467, 468, 471 of IPC, registered at Police Station Sadiq, District Faridkot.
2. Succinctly, facts of the case are that on 17.06.2021, the police party in connection with the campaign started against the drugs, was present at Village Jandwala near Kassi Bridge, Faridkot-Sadiq Road where at about 02:50 PM, a secret informer informed that one Jagrup Singh along with a Gurmeet Singh (present petitioner) and Rupinder Singh were travelling in a Ghora Trola 18 Tyres bearing registration No.PB-05-W-9722 and smuggling drugs from Rajasthan for supplying the same in the Villages and if barricading is laid, they could be arrested on the spot along with the contraband. On receiving the information, the police reached the place as disclosed and all three persons were found



travelling in the said Trola. On suspicion, all of them were apprehended. On asking, they disclosed their names as Jagrup Singh, Gurmeet Singh and Rupinder Singh. On conducting the search, 1,80,000 intoxicating tablets containing salt 'Tramadol' were recovered. They failed to produce any license regarding possession of the same and thus, the FIR was registered and all the accused were arrested on the spot. The investigation commenced. On completion of the investigation, challan was presented and charges were framed. Petitioner approached the Court of learned Judge, Special Court, Faridkot, praying for grant of regular bail. However, after hearing counsel for the parties, learned Judge, Special Court, declined the same vide order dated 21.12.2023. Aggrieved by the same, the petitioner earlier approached this Court by way of filing CRM-M-3961-2024, however, the same was dismissed on merits vide order dated 29.01.2025. Hence, the petitioner is before this Court by way of filing the present second petition.

3. It has been contended by learned counsel for the petitioner that the petitioner has been falsely implicated in the present case. He contends that the case of the prosecution is based on secret information but there is violation of provisions of Section 42 of the NDPS Act. He submits that the alleged recovery was effected from a public place, however, no independent witness was joined. He contends that the alleged recovery effected in the present case is from the oil tank of the Trola and hence, even the conscious possession of the petitioner is not proved. To buttress his arguments, learned counsel contends that *de hors* the allegations made by the prosecution, the petitioner is behind the bars from last more than 4½ years but till date, the prosecution has not been able to



examine even half of the witness cited. He contends that the petitioner has never been involved in any other case of the similar nature and thus, his false implication is writ large. He further contends that the fundamental right of the speedy trial has been miserably defeated in the present case. He thus, submits that in the facts and circumstances of the case, the petitioner deserves to be granted regular bail.

4. Learned State counsel has opposed the submissions made by learned counsel for the petitioner. He contends that there was a specific secret information about the petitioner along with two other co-accused and all were arrested on the spot while travelling in the Trolla. He submits that upon conducting the search of the oil tank of the Trolla, 1,80,000 tablets were recovered and upon weighing, the same amounted to 64.44 kgs of Tramadol, which is a heavy commercial quantity and thus, the provisions of Section 37 of the NDPS Act are attracted in the present case. He, on instructions, submits that out of 49 prosecution witnesses, 30 witnesses still remain to be examined. He has placed on record the custody certificate of the petitioner.

5. After hearing counsel for the parties and perusing the record, it is deciphered that the case of the prosecution is based on secret information. Though the petitioner was named in the secret information, however, the recovery of 64.44 kgs of Tramadol was effected in the present case from the oil tank of the Trolla. Custody certificate filed by the State would show that the petitioner has undergone incarceration of 04 years, 08 months and 20 days as on 15.03.2026. It further reflects that the petitioner has never been implicated in any other case of the similar nature. As submitted, out of 49 prosecution witnesses, 30 witnesses are yet



to be examined. Needless to say that every accused has the fundamental right of speedy trial.

6. 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:

“Deprivation of personal liberty without ensuring speedy 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.”

7. 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.

8. 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 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.*

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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.

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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”<sup>22</sup> (also see Donald Clemmer’s ‘The Prison Community’ published in 1940<sup>23</sup>). 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. The trial of the case will take sufficiently long time. Thus, keeping in view the overall facts and circumstances of the case, this Court is of the opinion that learned counsel

for the petitioner succeeds in making out a case for grant of regular bail. 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. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

16.03.2026  
*m.sharma*

( RAJESH BHARDWAJ )  
JUDGE

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