



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

CRM-M-51570-2025

Date of decision : 20.01.2026

Harpreet Singh @ Happy

.....Petitioner

versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Rishu Mahajan, Advocate for the petitioner.

Mr. Raj Karan Singh, A.A.G., Punjab.

RAJESH BHARDWAJ, J. (Oral)

1. Present petition has been filed for grant of regular bail to the petitioner in case FIR No.119 dated 06.08.2024, under Section 21, 25 and 29 of Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Special Task Force, District STF Wing.

2. Succinctly the facts of the case are that on 06.08.2024, the police party received a secret information to the effect that one Jagga has given his Scooter to Harprit Singh @ Happy and Luvprit Singh @ Luv for supplying heroin and it was informed that they would go to supply the heroin. If the barricading is laid they could be arrested along with the contraband. On receiving the secret information, the police party reached at the place disclosed. The Scooter was seen in which 02 boys were coming and both were apprehended. On asking, they disclosed their names to be Harprit Singh @ Happy and Luvprit Singh @ Luv. They were suspected to be carrying some contraband and thus, their search was conducted and on conducting the search of, 504 grams of heroin was recovered from the *diggy* of the said scooter. They failed to produce any licence regarding possession of the same and thus, the FIR was registered and both were arrested on spot. Investigation commenced. Samples taken



were sent to FSL. On completion of investigation, challan was presented and on framing of charges, the trial commenced. The petitioner approached learned Judge, Special Court, Amritsar for grant of bail, however, after hearing both the sides, the same was declined by the trial Court, Amritsar vide order dated 03.10.2024. Aggrieved by the same, the petitioner is before this Court by way of filing the present petition.

3. It has been contended by counsel for the petitioner that the present FIR has been registered on the basis of secret information. He submits that the alleged recovery has been effected from a public place, however, no independent witness was joined by the investigating agencies. He submits that there is violation of provisions of Section 50 of NDPS Act. He submits that the petitioner is not the owner of the Scooter. To buttress his arguments, he submits that the petitioner has no criminal antecedents as he has never been involved in any other case. He submits that the petitioner is behind bars from last 1 ½ years, however, there is no material progress in the trial and thus, his right of speedy trial is being defeated. He, thus, in the facts and circumstances of the present case, he deserves to be granted regular bail.

4. Per contra, learned State counsel has opposed the submissions made by counsel for the petitioner. He submits that there was specific secret information about the petitioner and the co-accused and he was arrested on spot. He submits that from the scooter, which he was riding, 504 grams of heroin was recovered, which is commercial quantity and thus, provisions of Section 37 of NDPS Act, are attracted in the present case. He, on instructions, has submitted that out of total 17 prosecution witnesses, none has been examined till date. He has produced the custody certificate of the petitioner.



5. On hearing counsel for the parties and perusing the record, it is deciphered that the petitioner is behind bars from last 1 ½ years. As per the custody certificate, petitioner has suffered an incarceration of 01 year, 05 months and 09 days as on 19.01.2026. It further reflects that the petitioner has no criminal antecedents and the case is based on the secret information. Out of total 17 prosecution witnesses, none has been examined till date.

6. 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.

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 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. xxxxxx

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 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 Court/Duty Magistrate.

20.01.2026
ps-I

(RAJESH BHARDWAJ)
JUDGE

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