



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

CRM-M-55412-2025

Date of Decision: 20.02.2026

Lovedeep Singh @ Love

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Sant Pal Singh Sidhu, Senior Advocate with
Mr. Deepdaman Singh Mann, Advocate
for the petitioner.

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

RAJESH BHARDWAJ, J. (ORAL)

1. Petitioner has approached by way of filing the present third petition praying for grant of regular bail in case FIR No.211 dated 18.09.2023 under Sections 21 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Dharamkot, District Moga.

2. Succinctly facts of the case are that on 18.09.2023, the Police party while on patrolling received a secret information to the effect that Lovedeep Singh @ Love, Barjinder Singh @ Baath and Nijam, are indulged in selling of heroin. It was informed that today also they are going from Jagraon to Dharamkot in their car make Mahindra Thar bearing No.PB29-3800 and in case the nakabandi is laid, they could be arrested along with the contraband. On receiving the secret information, a raiding team was constituted and nakabandi was laid. A car as disclosed was seen coming and same was stopped. On asking, they disclosed their names to be Lovedeep Singh @ Love (present petitioner), Barjinder Singh @ Baath and Nijam. They were suspected to be carrying some contraband in the car and, thus, search was conducted. On



conducting the search, 255 grams of heroin along with Rs.20,000 drug money, was recovered from the same. They failed to produce any licence regarding possession of the same and thus, the FIR was registered and all three were arrested on the spot. The investigation commenced. Samples taken were sent to the FSL. On completion of the investigation, challan was presented and on framing the charges, the trial Court proceeded with the trial. The petitioner approached the Court of learned Judge, Special Court, Moga praying for grant of regular bail. However, after hearing both the sides, the learned Court finding no merit in the same, dismissed the bail application filed by the petitioner vide order dated 23.02.2024. Aggrieved by the same, petitioner earlier approached this Court by way of filing of CRM-M-19584-2024 and CRM-M-15739-2025, however, same were dismissed as withdrawn on 11.07.2024 and 01.05.2025, respectively. Hence, the petitioner has approached this Court praying for grant of regular bail by way of filing the present third petition.

3. Learned counsel for the petitioner has contended that though the present FIR was registered on the basis of secret information, however, there is blatant violation of provisions of Section 42 of NDPS Act. He submits that the alleged recovery has been effected from the gear box of the car and thus, the conscious possession of the contraband is also not proved. He submits that the alleged recovery effected in the present case is 255 grams of heroin, which is marginally above the commercial quantity. To buttress his arguments, he further submits that similarly situated co-accused, namely, Nizam, has already been granted bail by this Court vide order dated 26.11.2025 passed in **CRM-M-34476-2025**. He submits that though the petitioner is involved in one more case under the Arms Act, however, he is on bail in the same. He thus, submits that in the overall facts and circumstances, the petitioner deserves to be granted



bail.

4. Per contra, learned State counsel has opposed the submissions made by the counsel for the petitioner. He has endorsed the factum of grant of bail to similarly situated co-accused, namely, Nizam as stated above and has not denied that the petitioner is at par with the co-accused. He submits that the recovery effected in the present case is a commercial quantity and thus, the provisions of Section 37 of NDPS Act, are attracted in the present case. He has placed on record the custody certificate of the petitioner.

5. On hearing counsel for the parties and perusing the record, it is deciphered that the FIR in the present case was registered on the basis of secret information. The recovery effected in the present case is a commercial quantity. Co-accused, namely, Nizam is already on bail granted by this Court vide order dated 26.11.2025. As per custody certificate, the petitioner has suffered an incarceration of 02 years, 04 months and 30 days as on 19.02.2026. It further reflects that the petitioner is involved in one more case, however, the same is not under the NDPS Act. Needless to say that every accused has the fundamental right of speedy trial.

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. 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 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.”

9. 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.

10. This Court would refrain itself from commenting anything on the merits of the case. The trial of the case will take sufficient long time. Thus, keeping in view the arguments raised by both the sides, this Court is of the opinion that learned counsel for the petitioner succeeds in making out a case for grant of regular bail to the petitioner on the basis of parity.

11. 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.

20.02.2026
ps-I

(RAJESH BHARDWAJ)
JUDGE

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