



CRM-M-57251-2025

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

109**CRM-M-57251-2025****Date of Decision: 27.02.2026**

Harmanjit Singh

..... Petitioner

Versus

State of Punjab

.....Respondent

CRM-M-59339-2025**Date of Decision: 27.02.2026**

Arwinder Singh

..... Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Rishu Mahajan, Advocate, for
the petitioner in CRM-M-57251-2025.
Mr. Akun Sheemar, Advocate, for
the petitioner in CRM-M-59339-2025.

Mr.Raj Karan Singh, AAG, Punjab.

Rajesh Bhardwaj, J. (ORAL)

1. By this order, the two above-mentioned petitions are disposed of, both having arisen out of the same FIR.
2. Prayer in **CRM-M-57251-2025** is for grant of regular bail to the petitioner in a case FIR No.40 dated 11.07.2024, registered under Sections 21/25/29 of NDPS Act, 1985, Sections 109/61/3(5) of BNS, 2023 and Section 58 of the Arms Act, at Police Station State Special Operation Cell SSOC, District Intelligence Wing (SSOC) Amritsar.
3. Prayer in **CRM-M-59339-2025** is for grant of regular bail to the petitioner in a case FIR No.40 dated 11.07.2024, registered under Sections 21/25/29 of NDPS Act, 1985, Section 25 of the Arms Act and Sections (109/61/3(5) of BNS, 2023 added later on) and, at Police Station State Special Operation Cell SSOC, District Intelligence Wing (SSOC) Amritsar.
4. Succinctly, facts of the case are that on 11.07.2024, the police



while on patrolling, received a secret information to the effect that Harmandeep Singh (petitioner in CRM-M-57251-2025) and Arwinder Singh (petitioner in CRM-M-59339-2025) are involved in smuggling of heroin and arms at local level. It was informed that they are coming to Majitha Road area on motorcycle make Hero Honda black coloured bearing registration No.PB-18-R-5323 and in case of barricading, they could be arrested alongwith the contraband and arms. On finding the information reliable, barricading was done and two persons were seen coming on motorcycle as detailed in the secret information. They were stopped and on asking, the rider of the motorcycle disclosed his name to be Arwinder Singh and the pillion rider disclosed his name to be Harmandeep Singh. They were suspected to be carrying some contraband. Thus, their search was conducted. On conducting search, 757 grams of heroin and one 32 bore pistol were recovered from the possession of Harmandeep Singh. They failed to produce any licence regarding possession of the same. Hence, they were arrested on the spot and the FIR was registered. The investigation commenced and recovered substance was sent to the FSL lab. On completion of the investigation, the challan was presented and on framing of charges, the trial commenced. The petitioners approached the Court of learned Judge, Special Court, Amritsar praying for grant of regular bail. However, after hearing both the sides, the learned Court finding no merit in the same, dismissed the bail applications filed by the petitioners vide orders dated 20.05.2025 and 11.02.2025, respectively. Petitioner Arwinder Singh earlier approached this Court by way of filing CRM-M-40223-2025, however, the same was dismissed as withdrawn vide order dated 01.08.2025. Hence, petitioner



Arwinder Singh has approached this Court again praying for grant of bail by way of filing the present second petition, whereas, petitioner Harmanjit Singh, has approached this Court by way of filing the first petition.

5. It has been vehemently contended by learned counsel for the petitioners that the petitioners have been falsely implicated in the present case. It is submitted that admittedly, the FIR was registered on the basis of secret information and there is violation of mandatory provisions of Section 42 of the NDPS Act. They further submit that there is violation of Section 50 of NDPS Act as well. It is submitted that the alleged recovery was effected from a public place, however, no independent witness has been joined. To buttress his arguments, counsel for petitioner Arwinder Singh has submitted that the petitioner has no criminal antecedent. Counsel for Harmanjit Singh has submitted that though the petitioner has been falsely implicated in one more case, however, he is on bail. They submit that the petitioners are behind the bars from the last more than 1½ years, however, there is no material progress in the trial. It is, thus, submitted that the petitioners deserve to be granted regular bail.

6. *Per contra*, learned State counsel has vehemently opposed the submissions made by counsel for the petitioners. He submits that the petitioners were specifically named in the secret information and on due compliance of provisions of NDPS Act, they were arrested on spot and 757 grams of heroin and one 32 bore pistol were recovered from them. He submits that the contraband recovered from the petitioners falls under the commercial quantity and thus, provisions of Section 37 of the NDPS Act are attracted in this case. On instructions, he submits that out of total 23



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prosecution witnesses, only 03 witnesses have been examined till date. He has placed on record the custody certificates of the petitioners.

7. After hearing counsel for the parties and perusing the record, it is deciphered that admittedly, the FIR was registered on the basis of secret information. The alleged recovery was effected from a public place. Out of total 23 prosecution witnesses, 03 witnesses have been examined so far. It is contended that there is violation of mandatory provisions of Sections 42 and 50 of the NDPS Act. Custody certificate of petitioners would show that the petitioners have suffered incarceration of 01 year, 07 months & 09 days as on 26.02.2026. It further shows that petitioner Arwinder Singh has no criminal antecedents, whereas, petitioner Harmanjit Singh is involved in one more case.

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 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.

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21it 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.'

9. 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. The trial of the case will take sufficient long time. Keeping in view the arguments raised by both the sides and perusing the record, this Court is of the opinion that learned counsel for the petitioners succeed in making out a case for grant of regular bail to the petitioners.

10. Accordingly, the present petitions are allowed and the petitioners are ordered to be released on bail on their furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate.

11. It is being clarified that in case petitioner Harmanjit Singh does

not furnish bail/surety bonds within a period of one week from today, his custody will not be counted in the present case after one week.

12. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

27.02.2026

sharmila

(RAJESH BHARDWAJ)

JUDGE

Whether Speaking/Reasoned :

Whether Reportable

Yes/No

Yes/No