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

CRM-M-68248-2025

Date of Decision: 09.03.2026

Rachpal Singh @ Pala

..... Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Sandeep Kapoor, Legal Aid Counsel and
Mr. Rishu Mahajan, Advocate, for the petitioner.
Mr. Raj Karan Singh, AAG, Punjab.

Rajesh Bhardwaj, J. (ORAL)

1. Prayer in the present petition is for grant of regular bail to the petitioner in a case FIR No.20 dated 10.07.2023, registered under Sections 21, 22, 25, 29-61-85 of NDPS Act, 1985, Sections 465, 468, 471 IPC (Section 473 IPC added and Sections 465, 468 and 471 IPC deleted lateron), at Police Station State Special Operation Cell, Amritsar.

2. Succinctly, facts of the case are that on 10.07.2023, the police party while on patrolling received a secret information to the effect that Rachpal Singh @ Pala (petitioner) and Lovepreet Singh @ Love are involved in smuggling of heroin and other narcotic substance. It was informed that both of them procured big consignment of heroin and narcotic substance from Delhi two days ago and today they are roaming around in the area near Diamond Avenue near Taran Wala Bridge, Amritsar on their motorcycle and in case of barricading, they could be arrested alongwith the contraband. On receiving the information, barricading was done and a person was seen coming on the motorcycle as disclosed in the secret



information. He was apprehended and on asking he disclosed his name to be Rachpal Singh @ Pala. He was suspected to be carrying some contraband and thus, search of the motorcycle was conducted. On conducting search, 1 kg of intoxicant powder was recovered from the motorcycle and thereafter, from the personal search of the petitioner, 300 grams of heroin was recovered from him. He failed to produced any licence regarding the possession of the same, and thus, on registration of the FIR, he was arrested on the spot. The investigation commenced. Samples taken were sent to the FSL. On receipt of the FSL report, challan was presented and on framing of charges, the trial commenced. The petitioner 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 application filed by the petitioner vide order dated 16.05.2024. Aggrieved, the petitioner earlier approached this Court by way of filing CRM-M-50511-2024, however, the same was dismissed as withdrawn vide order dated 22.04.2025. Hence, the petitioner has again approached this Court praying for grant of regular bail by way of filing the present second petition.

3. It has been vehemently contended by learned counsel for the petitioner that the petitioner has been falsely and frivolously implicated in the present case. He submits that the FIR in the present case was lodged on the basis of secret information, but there is violation of Section 42 of the NDPS Act. He submits that the alleged recovery was effected from a public place, however, no independent witness has been joined and thus, there is a violation of Section 50 of the NDPS Act as well while conducting search.



He submits that the petitioner is behind the bars from the last more than 2½ years, however, there is no material progress in the trial and thus, the right of the petitioner of speedy trial has been miserably defeated. He submits that though the petitioner has been falsely implicated in four other cases, however, in one two cases, he has been produced on production warrant, and thus, false implication of the petitioner is writ large. He has submitted that in the overall facts and circumstances, the petitioner deserves to be granted bail.

4. *Per contra*, learned State counsel has vehemently controverted the submissions made by counsel for the petitioner. It is submitted that the petitioner was specifically named in the secret information. He submits that 300 grams of heroin and 1 kg of intoxicating powder of Tramadol Hydrochloride and Alprazolam were recovered from the petitioner and the motorcycle, which falls under the commercial quantity and thus, the provisions of Section 37 of the NDPS Act, are attracted. He submits that during investigation, the motorcycle was also found to be stolen one. On instructions, he has submitted that out of total 22 prosecution witnesses, 01 witness has been examined till date. 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 as per the case of the prosecution, FIR in the present case was lodged on the basis of secret information. Though there were two persons named in the secret information, however, only the petitioner was seen coming on the motorcycle. The petitioner was arrested on 10.07.2023.

The custody certificate would show that the petitioner has suffered



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incarceration of 02 years, 07 months & 22 days as on 09.03.2026. It further shows that the petitioner is involved in four other cases, however, in two cases, he is on bail, whereas, in rest two cases he has been produced on production warrants. Needless to say that speedy trial is the fundamental right of every accused. Out of total 22 prosecution witness, only 01 witness has been examined.

6. 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.

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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”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.’

7. As per law settled, speedy trial to the petitioner despite his involvement in multiple cases cannot be taken away. The trial of the case is likely to take sufficient time. Speedy trial is the right of every accused. 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.”

8. 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.



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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 petitioner succeeds in making out a case for grant of regular bail to the petitioner.

10. 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.

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

09.03.2026

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Whether Speaking/Reasoned :

Whether Reportable :

**(RAJESH BHARDWAJ)
JUDGE**

Yes/No

Yes/No