



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

CRM-M-57624-2025

Date of decision : 12.01.2026

Vishal

.....Petitioner

versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Ashish Soi, 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.81 dated 22.06.2024, under Section 22(c) of Narcotic Drugs and Psychotropic Substances Act, 1985 (Sections 21 and 29 of NDPS Act added lateron), registered at Police Station Moti Nagar, Ludhiana.

2. Succinctly the facts of the case are that on 22.06.2024, the police party while on patrolling, received a secret information to the effect that one Vishal Chawla @ Kaka is involved in selling of heroin. It was informed that today he along with his wife, namely, Sonam and his brother-in-law Gourav Kumar are roaming around Electricity Grid and if the raid is conducted, they could be arrested along with the contraband. On receiving the information, the raiding party was constituted and they reached at the place as disclosed. The police found all three of them sitting there carrying heavy polythene bags in their hands. On seeing the police, one of them ran away from the spot with the polythene in his hand and then other boy and girl also started fleeing, however, they were



apprehended by the police officials. On asking, boy disclosed his name to be Gourav Kumar and the girl disclosed her name to be Sonam wife of Vishal @ Kaka. They were suspected to be carrying some contraband and thus, their search was conducted. On conducting the search, recovery of 258 grams of heroin was effected from Sonam and 262 grams of heroin was effected from Gaurav. They failed to produce any licence regarding possession of the same and thus, the FIR was registered and both the accused were arrested on spot. Investigation commenced. During investigation, the petitioner was arrested on 11.02.2025. On completion of investigation, challan was presented and on framing of charges, the trial commenced. The petitioner approached learned Judge, Special Court, Ludhiana for grant of bail, however, after hearing both the sides, the same was declined by the trial Court, Ludhiana vide order dated 03.10.2025. 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 co-accused, Sonam, from whom 258 grams of heroin was effected, has already been granted bail by this Court vide order dated 22.08.2025 passed in CRM-M-41508-2025. It is submitted that the total recovery effected in the present case is 520 grams of heroin. It is submitted that the petitioner is not involved in any other case of the similar nature. He submits that though the petitioner is involved in 02 other cases under the IPC, however, in one of them he has been acquitted and in other case, he is on bail. 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 the petitioner was specifically named in the secret information. He submits that the alleged recovery effected in the present case is 520 grams of heroin which falls under the category of 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 12 prosecution witnesses, 08 witnesses still remain to be examined. 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 was arrested in the present case on 11.02.2025. As per the custody certificate, petitioner has suffered an incarceration of 10 months and 29 days as on 11.01.2026. It further reflects that the petitioner is involved in two more cases, however, in one of the case, he is on bail and in other case, he has been acquitted.

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.*

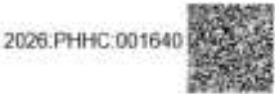
20. xxxxx

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 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.

12.01.2026
ps-I

(RAJESH BHARDWAJ)
JUDGE

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