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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.59330 of 2025

Sukha Singh @ Sukhmanpreet Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

CRM-M No.10320 of 2026

Gurmeet Singh @ Mita @ Mitti

..... Petitioner

versus

State of Punjab

..... Respondent

Date of Decision: 12.03.2026

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Karanjeet Singh Brar, Advocate
for the petitioner in CRM-M No.59330 of 2025.

Mr. Kuldeep Singh Saini, Advocate
for the petitioner in CRM-M No.10320 of 2026.

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

Rajesh Bhardwaj, J. (ORAL)

1. By this order, I dispose of the above mentioned two petitions arising out of the same FIR.
2. Both the petitions have been filed praying for the grant of regular bail to the petitioners in case bearing FIR No.0005, dated



14.01.2025, under Sections 15(C)/29/61/85 of NDPS Act, 1985, registered at Police Station Kabarwala, District Sri Muktsar Sahib.

3. Succinctly, the facts of the case are that the police party was on patrolling on 14.01.2025 and when they reached near T-point Burj Sidhwa, village Karamgarh, they saw one horse trolley was coming from Abohar side on which two persons were there, however, on suspicion, the police party signalled it to stop. On seeing the police, driver of the trolley got perplexed and tried to ran away from the spot. However, with the help of police party, both were apprehended. On asking, driver of the trolley, disclosed his name to be Jagdish Kumar and the person sitting on the other seat, disclosed his name to be Maggi Lal. They were suspected to be carrying some contraband in the trolley and thus, search of the same was conducted. On conducting the search of the same, 250 Kg of Poppy Husk was recovered. They failed to produce any license regarding the conscious possession of the same, thus, the FIR was registered and both were arrested on the spot. On registration of the FIR, the investigation commenced. During the investigation, they made disclosure statement about the complicity of co-accused, i.e., Sukha Singh @ Sukhmanpreet Singh (petitioner in CRM-M-59330-2025) and Gurmeet Singh @ Mita @ Mitti (petitioner in CRM-M-10320-2026) and, thus, both were also arrayed as an accused in the present case. Resultantly, Sukha Singh @ Sukhmanpreet Singh was arrested on 04.03.2025 and Gurmeet Singh @ Mita @ Mitti was arrested on 14.01.2025. 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, Sri Muktsar Sahib praying for the grant of bail. However, after



hearing both the sides and finding no merit in the same, the learned Judge, Special Court, Sri Muktsar Sahib declined the bail applications filed by both the petitioners vide separate orders dated 07.04.2025 and 24.04.2025, respectively. Being aggrieved, the petitioner, namely, Sukha Singh @ Sukhmanpreet Singh earlier approached this Court praying for the grant of regular bail by way of filing CRM-M-24447-2025, however the same was dismissed as withdrawn vide order dated 24.07.2025, whereas the petitioner, namely, Gurmeet Singh @ Mita @ Mitti earlier approached this Court thrice by way of filing CRM-M-28339-2025, CRM-M-48484-2025 and CRM-M-65887-2025, however, the same were dismissed as withdrawn vide orders dated 04.07.2025, 05.09.2025 and 28.11.2025, respectively. Hence being aggrieved, the petitioners are before this Court by way of filing the present petitions praying for the grant of regular bail.

4. Learned counsel for the petitioners have contended before this Court that the petitioners have been falsely implicated in the present case. They have submitted that the petitioners have been roped in the present case on the basis of disclosure statement of co-accused, which is not even an admissible evidence. They have submitted that even otherwise, the recovery of 250 Kg of Poppy Husk was effected from the co-accused. They have submitted that there is a violation of mandatory provisions of Section 50 of NDPS Act in conducting the search.

5. Learned counsel for the petitioner (in CRM-M-59330-2025) has submitted that the false implication of the petitioner, namely, Sukha Singh @ Sukhmanpreet Singh is in a clandestine manner, as the mother of the petitioner has lodged the case bearing FIR No.55, dated 19.08.2019, under



Section 384 of IPC, Sections 7 and 13(2) of PC Act, against the police officials, just in order to seek vengeance, the police authorities have been implicated him time and again in various FIRs.

6. Learned counsel for the petitioners have submitted that the conscious possession is also not proved in the present case. To buttress their arguments, learned counsels for the petitioners have submitted that though the petitioners are involved in other cases, however, they are on bail in all those cases. They have submitted that the petitioners are behind bars from last more than 01 year, however, there is no material progress in the trial. They have submitted that in the facts and circumstances, the petitioners deserve to be granted regular bail.

7. *Per contra*, learned State counsel has vehemently opposed the submissions made by counsel for the petitioners. He has submitted that complicity of the petitioners has been surfaced during the investigation. He has submitted that the recovery effected in the present case from the co-accused weighs 250 Kg of Poppy Husk, which is commercial in nature, and thus, the provisions of Section 37 of NDPS Act are attracted. He has submitted that the petitioners are habitual offenders as they are involved in other cases as well. He, on instructions, has submitted that out of total 37 prosecution witnesses, no witness has been examined so far. He has produced custody certificates of both the petitioners today in the Court, which are taken on record.

8. This Court has heard learned counsel for the parties and perused the record with their able assistance.

9. After hearing counsel for the parties and perusing the record, it



is deciphered that the petitioners have been arrayed as an accused in the present case on the basis of disclosure statement of co-accused. The petitioners are behind bars since the date of their arrest. The recovery in the present case weighs 250 Kg of Poppy Husk was effected from the co-accused. Custody certificates produced would show that the petitioner, namely, Sukha Singh @ Sukhmanpreet Singh has suffered an incarceration of 01 year and 04 days as on 11.03.2026, whereas the petitioner, namely, Gurmeet Singh @ Mita @ Mitti has suffered an incarceration of 01 year and 16 days as on 10.03.2026. It further reflects that the petitioner, namely, Sukha Singh @ Sukhmanpreet Singh is involved in 06 other cases, however, he is on bail in all the cases, whereas, the petitioner, namely, Gurmeet Singh @ Mita @ Mitti is involved in 01 other case, however, he is on bail in that case. Out of total 37 prosecution witnesses, no witness has been examined so far.

10. 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.”*

11. 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. This Court would refrain itself from commenting anything on the merits of the case. 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 counsels for the petitioners succeed in making out a case for grant of regular

bail to the petitioners.

12. Accordingly, both the petitions are allowed and all 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.

13. Nothing said herein shall be treated as an expression of opinion on the merits of the cases.

12.03.2026	(RAJESH BHARDWAJ)
<i>rittu</i>	JUDGE
Whether Speaking/Reasoned :	Yes/No
Whether Reportable :	Yes/No