

2026:PHHC:019885

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

....Petitioner

..... Respondent

....Petitioner

....Respondent

....Petitioner

....Respondent

Mr. Surinderjit S. Nahar, AAG, Punjab.

(later on added Section 27-A, 29 of NDPS Act), registered at Police

Station Sidwhan Bet, Ludhiana.

3. Succinctly, facts of the case are that the police while on patrolling on 17.06.2025, received a secret information to the effect that Gurpreet Singh @ Gopi, Balwinder Singh @ Biner and Inderjit Kaur @ Indu were involved in selling poppy husk. It was informed that they were coming from the side of Kishan Pura to Sidhwan Bet in their Car bearing No.HR26-CP-7500 for supplying heroin to their customers and if the barricading is laid, they could be arrested along with the contraband. On receiving the secret information, the police laid the barricading at the disclosed place. The Car as disclosed in the secret information was seen coming in which three persons were travelling. The Car was stopped and the inmates of the Car, on asking, disclosed their names as Gurpreet Singh @ Gopi, Balwinder Singh @ Biner and Inderjit Kaur @ Indu. On conducting search, 258 grams of heroin and drug money of Rs.8,000/- were recovered. They failed to produce any license regarding the possession of the same and thus, the FIR was registered and they were arrested on the spot. During investigation, name of Harpreet Singh @ Happy-petitioner in CRM-M-62720-2025 surfaced in the disclosure statement of co-accused namely, Inderjit Kaur and name of Jaswinder Singh @ Soni-petitioner in CRM-M-63115-2025 surfaced in the disclosure statement of co-accused Harpreet Singh and name of petitioner-Pankaj Kumar @ Pankaj Dass in CRM-M-65618-2025 surfaced in the disclosure statement of Balwinder Singh @ Bindar and thus, the petitioners were also named in the FIR. Resultantly, petitioner-Harpreet Singh @ Happy was arrested on 17.06.2025; petitioner-Jaswinder @ Soni was arrested on 23.06.2025 and petitioner-Pankaj Kumar @ Pankaj was

arrested on 06.08.2025 and since then, they are behind bars. Petitioners approached the learned Judge, Special Court, Ludhiana praying for grant of bail. However, after hearing counsel for the parties, the same were declined vide orders dated 09.10.2025 and 15.10.2025 respectively. Hence, being aggrieved, petitioners are before this Court by way of filing the present petitions praying for grant of regular bail.

4. It has been submitted by learned counsel for the petitioners that the petitioners have been falsely and frivolously implicated in the present cases. It has been submitted that neither they were named in the secret information nor any recovery has been effected from them. It has been submitted that the name of the petitioners has been surfaced on the basis of disclosure statement of the co-accused. It has further been submitted by counsel for the petitioner-Harpreet Singh @ Happy that wife of the petitioner was falsely implicated by the police and it is on her disclosure, petitioner-Harpreet Singh @ Happy had been implicated in the present case. It has been submitted that the implication of petitioner-Harpreet Singh @ Happy is evident from the fact that her wife had lodged an FIR against the police officials under the Corruption Act and he was arrested as well in the same. It is thus, submitted that as an act of *vendetta*, petitioner-Harpreet Singh @ Happy and his wife are being implicated in false and frivolous cases by the police. It has further been submitted that the recovered contraband from the co-accused is also marginally above the commercial quantity and hence, petitioners pray for grant of bail.

5. Learned State counsel has opposed the submissions made by learned counsel for the petitioners. He has submitted that the petitioners are habitual offenders and are involved in other cases of similar nature as

well. He has further submitted that the contraband recovered in the present cases is 258 grams of heroin which falls under the commercial quantity thus, provisions of Section 37 of the NDPS Act are attracted. He submits that investigation is complete however, charges are yet to be framed. He has placed on record the custody certificates of the petitioners which transpires that petitioners-Harpreet Singh @ Longa @ Happy and Jaswinder Singh @ Soni have undergone actual sentence of 07 months and 15 days and petitioner-Pankaj @ Pankaj Dass @ Pinka has undergone actual sentence of 06 months and 02 days as on 09.02.2026. It further reflects that though all the petitioners were involved in other cases however, petitioner-Harpreet Singh @ Happy is not on bail in one case and in the remaining cases, petitioners are either on bail or they are acquitted/have undergone the sentence in other cases.

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 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. After hearing counsel for the parties and perusing the record, it is deciphered that the petitioners were not named in the FIR however, they have been arrayed as accused on the basis of disclosure statement of co-accused. The wife of petitioner-Harpreet Singh @ Longa @ Happy has also registered one FIR against the police officials. The bail order in the same has also been placed on record. Custody certificates of the petitioners placed on record transpires that petitioners-Harpreet Singh @ Longa @ Happy and Jaswinder Singh @ Soni have undergone actual sentence of 07 months and 15 days and petitioner-Pankaj @ Pankaj Dass @ Pinka has undergone actual sentence of 06 months and 02 days as on 09.02.2026. It further reflects that though all the petitioners were involved

in other cases however, petitioner-Harpreet Singh @ Happy is not on bail in one case and in the remaining cases, petitioners are either on bail or they are acquitted/have undergone the sentence in other cases.

8. The veracity of the allegations would be assessed only after 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 cases will take sufficiently long time. However, keeping in view the overall facts and circumstances of the present cases, this Court is of the opinion that learned counsel for the petitioners succeed in making out a case for grant of regular bail. 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. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

9. If petitioner-Harpreet Singh @ Happy in CRM-M-62720-2025 does not furnish the bail bonds within seven days from today, then his further custody period after one week will not be counted in the present case.

10.02.2026
m.sharma

(RAJESH BHARDWAJ)
JUDGE

Whether speaking/reasoned
Whether reportable

:
:

Yes/No
Yes/No