



CRM-M-63920-2025

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

CRM-M-63920-2025

Date of Decision: 11.03.2026

Taljinder Kumar @ Honey

..... Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr.Jashandeep Singh Sandhu, 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.40 dated 14.05.2025, registered under Sections 21(C), 27-A 29 of NDPS Act, 1985 and Section 25 of the Arms Act (Section 25 of NDPS Act added lateron), at Police Station Verka, District Amritsar.
2. Succinctly, facts of the case are that on 14.05.2025, the police party while on patrolling when checking the suspicious vehicles under the Fatehgarh Shuker Chak Road, Bypass Bridge, they saw two young men coming from Makhan Dhaba to Fatehgarh Shukar Chak on a motorcycle. They were signalled to stop. On seeing the police, they got perplexed and tried to turn back the motorcycle and the rider of the motorcycle threw a polythene packet from the right pocket of his lower. However, they were apprehended. On asking, rider of the motorcycle disclosed his name to be Gurmukh Singh and pillion rider disclosed his name to be Varinderpal Singh. Search of the polythene packet thrown by Gurmukh Singh was conducted and 500 grams heroin was recovered from it. They failed to produced any licence regarding the possession of the same, and thus, on



registration of the FIR, they were arrested on the spot. The investigation commenced. Samples taken were sent to the FSL. During the investigation, on the disclosure statements of Gurmukh Singh and Varinder Pal, complicity of the petitioner was surfaced and thus, he was also arrayed as an accused in the present case and resultantly, he was arrested on 19.05.2025. 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 29.09.2025. Hence, the petitioner has approached this Court praying for grant of regular bail by way of filing the present 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 admittedly the case of the prosecution is to the effect that 500 grams of heroin was recovered from co-accused Gurmukh Singh and Varinder Pal on 14.05.2025. It is during the investigation, on the basis of the disclosure statements of Gurmukh Singh and Varinder Pal, the petitioner has been arrayed as an accused. He submits that recovery of two pistols have also been planted on the petitioner. It is contended that disclosure statement of the co-accused in itself is not an admissible evidence. He contends that the petitioner is behind the bars since the date of his arrest i.e. 19.05.2025. It is submitted that though the petitioner is facing prosecution in other two cases as well, however, he is on bail in those cases. It is submitted that the petitioner is not involved in other case of the similar nature i.e. under the NDPS Act. He further submits that the petitioner was



attacked in the jail itself where he suffered serious injuries and presently he is under treatment. He, thus, 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 during the investigation, complicity of the petitioner was established as he was found to be the supplier of the contraband recovered from the co-accused. He submits that recovery of the contraband effected from the co-accused is commercial in nature and thus, provisions of Section 37 of the NDPS Act are attracted. He submits that besides this, at the time of raid, two pistols were also recovered from the petitioner. On instructions, he has submitted that out of total 20 prosecution witnesses, no 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 recovery of 500 grams of heroin was effected from co-accused, namely, Gurmukh Singh and Varinder Pal and it is on their disclosure statements, the petitioner has been arrayed as an accused in the present case. Besides this, two pistols are also said to have been recovered from the petitioner. The custody certificate would show that the petitioner has suffered incarceration of 09 months & 13 days as on 10.03.2026. As per the custody certificate, though the petitioner is involved in two other cases, however, none of the case is under the NDPS Act. Out of total 20 prosecution witness, no 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. 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.

8. 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.

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

(RAJESH BHARDWAJ)
JUDGE

11.03.2026

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Whether Speaking/Reasoned : Yes/No
Whether Reportable : Yes/No