

223 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-63198-2025

Date of decision : 17.02.2026

Manga Singh

.....Petitioner

versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. P.S. Sekhon, Senior Advocate with
Mr. L.S. Sekhon, Advocate
for the petitioner.

Mr. Hemant Aggarwal, DAG, Punjab.

RAJESH BHARDWAJ, J. (Oral)

1. Petitioner has approached this Court by way of filing the present petition praying for grant of regular bail to him in case FIR No.06 dated 02.02.2025, under Sections 22, 25 and 29 of the NDPS Act, registered at Police Station Dharamgarh, District Sangrur.

2. Succinctly facts of the case are that the police party while patrolling on 02.02.2025 were going for checking of suspicious persons from Village Dharamgarh to Village Cheema. When they reached a little ahead of room of over-head water tank at the revenue limits of Dharamgarh then time in front towards side of Village tolawal, one cropped hair person was standing along with a motorcycle and he was searching something in a black coloured heavy polythene bag kept on the seat of motorcycle No.PB-13B-1520 make Hero Honda CD Deluxe Red Colour. On the basis of suspicion, they were questioned and apprehended. On asking, he disclosed his name as Gurpiar Singh @ Chitta. He was suspected to be carrying some contraband in the polythene bag. On search, 200 strips of intoxicating tablets each having 10 tablets and in total 2000 intoxicating tablets of Tramadol were recovered from him. He failed to produce any license regarding the possession of the same.



Thus, the FIR was registered and he was arrested on the spot. On completion of the investigation, the complicity of the petitioner was established, challan was presented and on framing of the charges, trial commenced. Petitioner was arrested on 22.04.2025. He approached the Court of learned Judge, Special Court, Sangrur praying for grant of regular bail. However, after hearing counsel for the parties, learned Judge, Special Court, Sangrur dismissed the same vide order dated 28.05.2025. Thereafter, earlier petitioner approached this Court by way of filing CRM-M-34348-2025 however, the same was dismissed being not pressed. Being aggrieved, petitioner is before this Court by way of filing the present second petition.

3. Learned Senior counsel for the petitioner has submitted that the petitioner has been falsely implicated in the present case. He submits that 2000 tablets of Tramadol was recovered from the co-accused namely, Gurpiar Singh and not from the petitioner. He submits that the petitioner was already behind the bars at the time of alleged occurrence. He further submits that the petitioner was nominated in the present case on the basis of the disclosure statement of the co-accused and he was alleged to be the supplier. He submits that the disclosure statement of co-accused in itself is not even an admissible evidence. He further submits that though the petitioner is involved in two more cases, however, he is on bail and thus, in the facts and circumstances of the case, he deserves to be granted regular bail.

4. Learned State counsel on the other hand has opposed the submissions made by learned counsel for the petitioner. He submits that the quantity recovered from the co-accused is commercial. Hence, provisions of Section 37 of the NDPS Act are attracted. He further submits that the complicity of the petitioner surfaced during investigation. He submits that petitioner is facing prosecution in two other cases out of which, in one case he has been acquitted. He submits that in the other FIR, petitioner was arrested



subsequently and challan has been presented however, charges are yet to be framed *qua* him. He has placed on record the custody certificate.

5. After hearing counsel for the parties and perusing the record, it is deciphered that 2000 tablets of Tramadol was recovered from the co-accused namely, Gurpiar Singh. Petitioner was arrayed on the basis of disclosure statement of co-accused namely, Gurpiar Singh. Custody certificate filed by the State shows that petitioner has undergone actual sentence of 09 months and 24 days as on 16.02.2026. It further reflects that though there are two more cases against the petitioner however, in one case, he has been acquitted and in another case, he is not on bail.

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. 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 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 trial Court/Duty Magistrate. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

8. If the petitioner 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.

17.02.2026
m.sharma

(RAJESH BHARDWAJ)
JUDGE

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