



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

CRM-M-65221-2025

Date of decision : 12.03.2026

Major Singh

.....Petitioner

versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Rishu Mahajan, Advocate
for the petitioner.

Mr. Raj Karan Singh, AAG, Punjab.

RAJESH BHARDWAJ, J. (Oral)

1. Present third petition has been filed praying for the grant of regular bail to the petitioner in case bearing FIR No.10 dated 04.02.2024, under Section 21/29 of the NDPS Act, 1985, registered at Police Station State Special Operation Cell, District Amritsar.

2. Succinctly facts of the case are that the present FIR has been registered on the basis of secret information received by the police. As per the prosecution case, the secret informer disclosed that Major Singh (petitioner) was allegedly engaged in the business of Heroin and had close links with smugglers based in Pakistan. It was further alleged that a few days prior to the registration of the FIR, Major Singh had received a huge consignment of Heroin through a drone allegedly sent by Pakistani smugglers. It was further disclosed that on the relevant day, Major Singh would come to the area of Kalanaur to deliver the said consignment of Heroin to another person on the instructions of the said smugglers and if the barricading is laid, he could be arrested along with the contraband. On receiving the secret information, barricading was laid and a person as



disclosed was seen coming. On suspicion, he was apprehended. On asking, he disclosed his name as Major Singh. He was suspected to be carrying some contraband and his search was conducted and he was found to be in possession of 1 kg of Heroin. He failed to produce any license regarding the possession of the same. Thereafter, on 07.02.2024 he made a confessional statement, in which he disclosed the name of Bikramjit Singh from whom two packets of Heroin weighing 510 grams was recovered. Thus, FIR was registered, investigation commenced and petitioner was arrested on the spot. After completion of the investigation, challan was presented and charges were framed and on framing of the charges, trial commenced. Petitioner approached the Court of learned Additional Sessions Judge, Amritsar praying for grant of bail, however, after hearing counsel for the parties and finding no merits, the same was declined vide order dated 08.05.2024. Thereafter, earlier petitioner approached this Court twice by way of filing CRM-M-52332-2024 and CRM-M-37676-2025, however, the same were dismissed as withdrawn vide orders dated 17.03.2025 and 02.09.2025, respectively. Aggrieved by the same, the petitioner is before this Court by way of filing the present third petition.

3. It has been contended by learned counsel for the petitioner that the petitioner has been falsely implicated in the present case. He submits that admittedly the case of the prosecution is based on secret information but there is violation of provisions of Section 42 of the NDPS Act. He submits that there is also violation of mandatory provisions of Section 50 of the NDPS Act. He submits that though the recovery has been effected from the public place, however, no independent witness was



joined. He contends that the petitioner is behind the bars since the date of his arrest and thus, he has undergone incarceration of more than 02 years and hence, right of speedy trial is defeated in the present case. He contends that the similarly situated co-accused, namely, Bikramjit Singh, from whom 1.20 kgs of Heroin was recovered, has already been enlarged on bail by this Court vide order dated 17.10.2025 passed in CRM-M-40024-2025. To buttress his arguments, learned counsel submits that the petitioner has no criminal antecedents as he has never been involved in any other case. He submits that in the facts and circumstances of the case, the petitioner deserves to be granted regular bail.

4. Learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner. He submits that the petitioner was named in the secret information and the recovery effected from him is 1 kg of Heroin, which is commercial in nature and thus, provisions of Section 37 of the NDPS Act are attracted. However, he has also not denied the fact that co-accused namely, Bikramjit, from whom recovery of 1.20 kgs of Heroin was effected, was enlarged on bail by this Court vide order dated 17.10.2025. He, on instructions, has submitted that out of 23 prosecution witnesses, only 05 witnesses have been examined so far. 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 the case of the prosecution is based on secret information. The alleged recovery effected from the petitioner is 1 kg of Heroin. Co-accused namely, Bikramjit, from whom 1.20 kgs of Heroin was recovered, has already been enlarged on bail by this Court vide order dated 17.10.2025.

Custody certificate filed by the State would show that the petitioner has



undergone incarceration of 02 years 01 month and 01 day as on 11.03.2026. It further reflects that there is no other case registered against the petitioner. As submitted, out of 23 prosecution witnesses, only 05 witnesses have been examined till date.

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. Keeping in view the 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.

12.03.2026
m.sharma

(RAJESH BHARDWAJ)
JUDGE

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