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

CRM-M-64233-2025

Date of decision : 26.02.2026

Palwinder Singh @ Bhinda

.....Petitioner

versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Prateek Pandit, Advocate
for the petitioner.

Mr. Raj Karan Singh, AAG, 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.115 dated 01.08.2024, under Sections 21(c), 29 of the NDPS Act, registered at Police Station STF District STF Wing, SAS Nagar (Mohali).

2. Succinctly facts of the case are that the police party while on patrolling on 01.08.2024, received a secret information to the effect that Palwinder Singh @ Bhinda (petitioner) was involved in selling the Heroin. It was informed that he was present near Govt. Primary School Gosuwal Purana T point and if the raid is conducted, he could be arrested along with the contraband. On receiving the secret information, the police reached at the disclosed place and a person resembling the one disclosed in the secret information was found there. He was apprehended. On asking, he disclosed his name as Palwinder Singh @ Bhinda. He was suspected to be carrying some contraband and thus, the bag he was carrying was searched. On conducting the search of the bag, 1.5 kg of Heroin was recovered. He failed to produce any license regarding the possession of the same. Thus, FIR was



registered and petitioner was arrested on the spot and on registration of the FIR, investigation commenced. The samples taken were sent to the FSL. On receiving the FSL report, challan was filed and on framing of charges, trial commenced. He approached the Court of learned Judge, Special Court, Jalandhar-IV, however, after hearing counsel for the parties and finding no merits, the same was declined vide order dated 02.12.2024. Petitioner earlier approached this Court by way of filing CRM-M-16804-2025 praying for grant of bail however, the same was dismissed as withdrawn vide order dated 13.05.2025. Aggrieved by the same, petitioner is before this Court by way of filing the present second petition.

3. Learned counsel for the petitioner has contended that the petitioner has been falsely implicated in the present case. He submits that the alleged recovery is from the public place however, no independent witness has been joined and thus, mandatory provisions of Section 42 of the NDPS Act has not been complied with. He further submits that the conscious possession is also not proved and there is blatant violation of provisions of Section 50 of the NDPS Act. He submits that petitioner was earlier also implicated in another case pertaining to 20 grams of Heroin however, he is on bail in the same. He further submits that the petitioner is behind the bars from the last more than 1 ½ years thus, the right of speedy trial of the petitioner is miserably defeated in this case. He thus, prays for grant of regular bail to the petitioner.

4. Learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner. He submits that the petitioner is specifically named in the secret information. He further submits that 1.5 kgs of Heroin has been recovered from the petitioner, which is a commercial quantity, thus, the provisions of Section 37 of the NDPS Act are



attracted in this case. On instructions, he submits that out of 18 prosecution witnesses, only 01 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 the alleged recovery in the present case is on the basis of secret information. The alleged recovery has been effected from the public place. Custody certificate filed by the State shows that the petitioner has undergone incarceration of 01 years, 06 months and 21 days as on 25.02.2026. It further reflects that there is no other case against the petitioner. As submitted by the State, out of 18 prosecution witnesses, only 01 witness has been examined so far. Needless to say that every accused has the fundamental right of speedy trial.

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.

26.02.2026
m.sharma

(RAJESH BHARDWAJ)
JUDGE

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