



CRM-M-64937-2025

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

CRM-M-64937-2025

Date of Decision: 11.03.2026

Bikar Singh

..... Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Ms. Kamaldeep Kaur, Advocate, for the petitioner.

Mr.K.D.Sachdeva, DAG, 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.91 dated 25.04.2022, registered under Sections 22, 29, 61 of NDPS Act, 1985, at Police Station City Samana, District Patiala.

2. Succinctly, facts of the case are that on 25.04.2022, the police party while on patrolling when reached near exit gate of Bus Stand Samana, they saw a man who was carrying a heavy plastic envelop in his hand, standing near the exit gate of Bus Stand. On seeing the police, he started walking inside the Bus Stand. He was suspected to be carrying some contraband and thus, was apprehended by the Police and on asking, he disclosed his name to be Gurtej Singh @ Taj and also disclosed the reason of his nervousness that he is carrying intoxicating tablets. On search, 4000 intoxicant tablets were found in the plastic envelop being carried by him. He failed to produce any licence regarding the possession of the same, and thus, on registration of the FIR, he was arrested on the spot. The investigation commenced. Samples taken were sent to the FSL. During the



investigation, he disclosed that on 24.04.2022, he procured 20 boxes containing 10000 tablets of Tramadol from Bikar Singh (petitioner). Hence, the petitioner was also arrayed as an accused and resultantly, he was arrested on 25.04.2022. The petitioner approached the Court of learned Judge, Special Court, Patiala 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 21.08.2025. 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. She submits that admittedly as per the case of prosecution 4000 tablets containing Tramadol were recovered from the co-accused, namely, Gurtej Singh. She submits that it is during the investigation, on the disclosure statement of the co-accused, the petitioner has been roped in the present case on the allegations that the contraband recovered was supplied by him. It is submitted that the disclosure statement of co-accused is not even admissible. She contends that from the bare reading of the allegations made in the FIR, it is apparent that there is a gross violation of Section 50 of the NDPS Act in the present case. To buttress her arguments, she submits that co-accused Gurtej Singh from whom the alleged recovery was made, had already been enlarged on bail by this Court. She submits that even otherwise, the petitioner is behind the bars since 25.04.2022, however, there is no material progress in the trial, hence, his right of speedy trial is miserably defeated. She, 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 complicity of the petitioner surfaced during the investigation and it is the petitioner who supplied 10000 intoxicating tablets, out of which 4000 tablets were recovered from Gurtej Singh and remaining 6000 tablets were further supplied to co-accused Bikramjit Singh. He contends that recovery effected in the present case is commercial in nature and thus, provisions of Section 37 of the NDPS Act are attracted. He also contends that the petitioner is a habitual offender. On instructions, he has submitted that out of total 20 prosecution witnesses, 03 witnesses have 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 of 4000 intoxicating tablets was effected from co-accused, namely, Gurtej Singh, who had already been granted bail by this Court. The petitioner has been arrayed in this case on the disclosure statement of Gurtej Singh. The custody certificate would show that the petitioner has suffered incarceration of 03 years, 09 months & 17 days as on 10.03.2026. As per the custody certificate, though the petitioner is involved in three other cases, out of which in two cases he is on bail. Out of total 20 prosecution witness, 03 witnesses have been examined. There is no gainsaying that speedy trial is the fundamental right of every accused.

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 Hon'ble Supreme Court in Ashim @ Asim Kumar Haranath Bhattacharya @ Asim Harinath Bhattacharya @ Aseem Kumar Bhattacharya Vs. National Investigation Agency, 2022(1) SCC 695 has held as under:

“Deprivation of personal liberty without ensuring speedy trial is not consistent with Article 21 of the Constitution of India. While deprivation of personal liberty for some period may not be avoidable, period of deprivation pending trial/appeal cannot be unduly long. At the same time, timely delivery of justice is part of human rights and denial of speedy justice is a threat to public confidence in the administration of justice.”

8. The Hon'ble Supreme Court in a recent decision dated 03.07.2024 in Javed Gulam Nabi Shaikh Vs. State of Maharashtra, Criminal Appeal No. 2787 of 2024, has held that howsoever serious a crime may be, an accused has the right to speedy trial under the Constitution of India.

9. 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.

10. 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.

11. It is being clarified that in case the petitioner does not furnish

bail/surety bonds within a period of one week from today, his custody will not be counted in the present case after one week.

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

11.03.2026		(RAJESH BHARDWAJ)
sharmila		JUDGE
	Whether Speaking/Reasoned :	Yes/No
	Whether Reportable :	Yes/No