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

CRM-M-65276-2025

Date of Decision: 16.02.2026

Gagandeep Singh

..... Petitioner

Versus

State of Punjab

.....Respondent

**CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ**

Present: Mr. Jashandeep Singh Sandhu, Advocate  
for the petitioner.

Mr. K.D. Sachdeva, D.A.G., Punjab.

**Rajesh Bhardwaj, J. (ORAL)**

1. Petitioner has approached this Court by way of filing the present petition praying for grant of regular bail in case FIR No.71 dated 26.06.2024 under Sections 18, 27, 27-A, 27-B, 29, 61, 85 of NDPS, 1985 and Sections 52, 181 of Motor Vehicle Act, registered at Police Station Khuian Sarwar, District Fazilka.

2. Succinctly, facts of the case are that while patrolling the police party received a secret information on 26.06.2024 to the effect that Sukhyad Singh @ Yad, Tarsem Singh and Jugraj Singh are involved in smuggling of the opium, which they would be bringing from Jharkhand in Swift Car bearing registration No.PB-05-AC-5015. It was informed that in case of raid, they could be arrested alongwith the contraband. On receiving the information, raiding team was constituted and the vehicle as disclosed in the secret information was seen coming and thus, was stopped. All the three persons disclosed in the secret information were arrested alongwith 66 kgs



of opium and Rs.40,000/- as drug money. On the registration of the FIR, the investigation commenced. During the investigation, co-accused Sukhyad Singh @ Yad and Jugraj Singh made disclosure statements about the complicity of the petitioner and thus, he was also arrayed as an accused and thereafter, arrested on 29.05.2025. The petitioner approached the Court of learned Judge, Special Court, Fazilka praying for grant of regular bail. However, after hearing both the sides, the learned Court finding no merits in the same, dismissed the bail application filed by the petitioner vide order dated 06.11.2025. Aggrieved by the same, the petitioner is before 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 implicated in the present case. He submits that admittedly the petitioner was behind bars in some other case i.e. FIR No.8 dated 25.01.2024 registered under Section 18, 25,29 of NDPS Act, at Amritsar at the time of the alleged offence in the present case. He submits that the petitioner has been implicated in this case only on the basis of disclosure statement of co-accused and the allegations against the petitioner were to the effect that he used to drive the offending vehicle earlier with the co-accused. He further submits that since the petitioner was already behind bars the allegations in itself are not substantiated. He has submitted that neither the petitioner was named in the FIR, nor any recovery has been effected from him. He submits that though the petitioner is involved in one more case, however, he is on bail in that case. To buttress his arguments, he has submitted that co-accused, namely, Jaspal Singh and Kamal Singh, have already been granted bail by this Court vide orders dated



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31.07.2025 and 05.09.2025 passed in CRM-M-35019-2025 and CRM-M-42438-2025, respectively. He, thus, submits that in the overall facts and circumstances, the petitioner deserves to be granted bail.

4. *Per contra*, learned State counsel has vehemently opposed the submissions made by counsel for the petitioner. He has submitted that complicity of the petitioner was surfaced during the investigation. He submits that the contraband recovered in the present case is a huge commercial quantity and thus, provisions of Section 37 of NDPS Act are attracted. He has placed on record the custody certificate of the petitioner. On instructions, he has submitted that charges have been framed.

5. The Court has heard learned counsel for the parties and perused the record. Evidently, the FIR in the present case was lodged on the basis of secret information. The petitioner was arrayed as an accused in the present case on the basis of disclosure statement of the co-accused. The custody certificate reflects that the petitioner has suffered incarceration of 08 months & 16 days as on 16.02.2026. It further reflects that the petitioner is involved in 02 more cases, however, in one case he is on bail. Investigation is complete and charges have been framed.

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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*21 .....it 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.*

22 xxxxx

*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"<sup>22</sup> (also see Donald Clemmer's 'The Prison Community' published in 1940<sup>23</sup>). 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. This Court would refrain itself from commenting anything on the merits of the case. The trial of the case will take sufficient long time. Keeping in view the arguments raised by both the



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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.

10. In case the bail bonds are not furnished by the petitioner during the period of 07 days from today, then his further custody period after one week will not be counted in the present case.

**16.02.2026***ps-I***(RAJESH BHARDWAJ)  
JUDGE**

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