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

CRM-M No.68555 of 2025

Date of Decision: 27.03.2026

Samandeep Singh @ Mani

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. P. S. Sekhon. Senior Advocate with
Ms. Shefali, Advocate
for the petitioner.

Mr. K. D. Sachdeva, DAG, Punjab.

RAJESH BHARDWAJ, J. (ORAL)

1. Present second petition has been filed praying for the grant of regular bail to the petitioner in case bearing FIR No.201, dated 05.12.2023, under Sections 22-C, 18-B and 15-B of NDPS Act, registered at Police Station Jaiton (Jaitu), District Faridkot.

2. Succinctly, the facts of the case are that the police party was on patrolling on 05.12.2023 and when they reached near canal bridge towards Ablu Kotli side from village Rameena, they saw two cars coming from village Ablu Kotli side. The police officials signalled them to stop. The drivers of the said cars got perplexed and tried to reverse back the cars, however, they were apprehended by the police party. Driver of first



car disclosed his name to be Karamjit Singh and the person sitting along, who was holding a white coloured polythene bag, disclosed his name to be Sanamdeep Singh @ Mani (petitioner). They were suspected to be carrying some contraband in the white coloured polythene bag being carried by Sanamdeep Singh @ Mani and thus, search of the same was conducted. On conducting the search of the bag, 2500 intoxicant tablets containing Tramadol Hydrochloride were recovered. They failed to produce any licence regarding the conscious possession of the same, thus, the FIR was registered and both were arrested on the spot. The samples taken were sent to the FSL. On receipt of FSL, the contraband recovered weighs 1015 grams of Tramadol Hydrochloride. On completion of the investigation, the challan has been presented and on framing of charges, the trial commenced. The petitioner approached the Court of learned Judge, Special Court, Faridkot praying for the grant of regular bail. However, after hearing both the sides and finding no merit in the same, the learned Judge, Special Court, Faridkot dismissed the bail application filed by the petitioner vide order dated 06.08.2024. Being aggrieved, the petitioner earlier approached this Court praying for the grant of regular bail by way of filing CRM-M-2122 of 2022, however the same was dismissed vide order dated 27.05.2025. Hence being aggrieved, the petitioner is again before this Court praying for grant of regular bail by way of filing the present second petition.

3. Learned counsel for the petitioner has submitted that the petitioner has been falsely implicated in the present case. He has submitted that the alleged recovery effected is from the public place but no



independent witness was joined. He has submitted that the alleged recovery effected in the present case is from the personal search of the petitioner, however, there is a violation of mandatory provisions of Section 50 of NDPS Act. He has submitted that the petitioner is behind bars since the date of his arrest, i.e. 05.12.2023, however, there is no material progress in the trial. To buttress his arguments, learned counsel for the petitioner has submitted that the petitioner has no criminal antecedents as he has never been involved in any other case. He has submitted that the co-accused, namely, Karamjeet Singh, has already been granted the concession of regular bail by this Court vide order dated 10.01.2025 passed in CRM-M-45206-2024. He has submitted that in the facts and circumstances, the petitioner deserves to be granted regular bail.

4. Status report dated 22.01.2026 by way of an affidavit of Iqbal Singh, PPS, Deputy Superintendent of Police, Sub Division Jaitu, District Faridkot, on behalf of the respondent-State has already been filed by the learned State counsel in the Court, which is taken on record.

5. *Per contra*, learned counsel for the State has vehemently opposed the submissions made by learned counsel for the petitioner. He has submitted that from the personal search of the petitioner, 2500 tablets of Tramadol Hydrochloride weighing 1015 grams were recovered, which is commercial in nature, and, thus, the provisions of Section 37 of NDPS Act are attracted. He, on instructions, has submitted that out of total 21 prosecution witnesses, 03 witnesses have been examined so far. He has endorsed the fact that co-accused, namely, Karamjeet Singh has already been granted the concession of bail by this Court vide order dated



10.01.2025.

6. Heard.

7. On hearing learned counsel for the parties and perusing the record, it is deciphered that the petitioner is behind bars since the date of his arrest. The alleged recovery effected in the present case is from the public place. As contended before this Court by learned counsel for the petitioner, the recovery has been effected from the personal search of the petitioner, however, there is a violation of mandatory provisions of Section 50 of NPDS Act. Out of total 21 prosecution witnesses, 03 witnesses have been examined so far. As submitted before this Court by learned counsel for the petitioner, the petitioner is not involved in any other case. Co-accused of the petitioner, namely, Karamjeet Singh has already been granted the concession of bail by this Court vide order dated 10.01.2025 passed in CRM-M-45206-2024.

8. 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.

20. xxxxx

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”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.”*

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.

10. This Court would refrain itself from commenting anything on the merits of the case. Keeping in view the arguments raised by both the sides and perusing the record, the Court is of the opinion that learned



counsel for the petitioner succeeds in making out a case for the grant of bail.

11. 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. However, 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 this case.

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

27.03.2026

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(RAJESH BHARDWAJ)

JUDGE

Whether Speaking/Reasoned : Yes/No

Whether Reportable : Yes/No