



CRM-M-68722-2025 (O&M)

1

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

224

**CRM-M-68722-2025 (O&M)
DECIDED ON : 17.02.2026**

Harman Singh @Hammu

..... Petitioner

VERSUS

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE SURYA PARTAP SINGH

Present: Mr. Akun Sheemar, Advocate for
Mr. Yajur Sharma, Advocate for the petitioner.

Mr. I.P.S. Sabharwal, DAG, Punjab.

SURYA PARTAP SINGH, J.**CRM-2682-2026**

Since the main case has been listed for today itself, this application seeking for preponement of the main case has become infructuous. Hence the same is hereby dismissed, accordingly.

CRM-M-68722-2025

2. This is first petition for bail filed by the petitioner with regard to a case arising out of FIR No.115 dated 04.08.2025 under Sections 21, 27(a) and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985, hereinafter being referred to as 'NDPS Act' only, Police Station Chattiwind, District Amritsar Rural.



3. In nut-shell, the facts emerging from record are that the FIR of this case came into being when a police party headed by SI Trilok Singh intercepted two boys on the basis of suspicion. According to prosecution story, the abovesaid persons disclosed their names as Jobanpreet Singh @Joban and Harman Singh @Hammu (petitioner herein), and when search of their persons was conducted, from the possession of Jobanpreet Singh @Joban, 10 gms of Heroin was recovered, whereas from the polythene bag thrown by petitioner-Harman Singh @Hammu, another 10 gms of Heroin was recovered.

4. It has been further alleged by the prosecution that during the search of person of accused Jobanpreet Singh @Joban, currency note of Rs.200/- and from the possession of accused Harman Singh @Hammu (petitioner herein), currency note of Rs.100/- were also recovered. As per prosecution, the accused had disclosed that the abovesaid amount was received by them by sale of Heroin. According to prosecution, once the abovementioned contraband was recovered, necessary formalities with regard to search, seizure, registration of FIR and arrest of accused were undertaken, and further investigation was conducted.

5. **Notice of motion.**

6. Mr. I.P.S. Sabharwal, DAG, Punjab appears on behalf of respondent-State. Hence service of notice upon the State is hereby dispensed with. The learned State Counsel has filed custody certificate of the petitioner. The same be taken on record. No formal reply has been filed by



the State. However, the learned State Counsel has orally opposed the present petition.

7. Heard.

8. It has been contended on behalf of the petitioner that the petitioner is innocent, who has been falsely implicated in the present case, wherein despite opportunity the Investigating Officer has failed to join any independent witness, and that there is a violation of mandatory provisions, contained under Section 50 of NDPS Act. According to learned counsel for the petitioner, the recovered contraband comes within the ambit of intermediate quantity, and that the cash amount, recovered from the possession of accused, is too small to convince a prudent mind, that it was procured by sale of drugs.

9. The learned State Counsel has argued that the quantity of contraband recovered from the possession of petitioner is much above the small quantity, and that in the given fact situation, the petitioner is not entitled for the benefit of bail.

10. The record has been perused carefully.

11. A perusal of record shows that in the present case, following are the relevant factors which are required to be taken into consideration for a decision:-

- i) that the contraband, recovered from the possession of petitioner, comes within the ambit of intermediate quantity, which is just



above the highest threshold meant for small quantity, and only a fraction of lowest limit meant for commercial quantity;

- ii) that the petitioner is already in custody for a period of more than six months;
- iii) that the petitioner has no criminal antecedents;
- iv) that the quantum of recovered money is too small to believe that it was procured by sale of Heroin;
- v) that the trial is not likely to be concluded in near future;
- vi) that detention of petitioner in judicial lockup is not likely to serve any purpose;
- vii) that there is nothing on record to show that if released on bail, the petitioner may tamper with the evidence or influence the witnesses; and
- viii) that there is nothing on record to show that if released on bail, the petitioner will not participate/cooperate in the trial.

12. In the present case, the principles of law laid down by the Hon'ble Supreme Court in the case of "Dataram versus State of Uttar Pradesh and another", 2018(2) R.C.R. (Criminal) 131, are relevant, wherein it has been observed that "a fundamental postulate of criminal jurisprudence is the presumption of innocence, meaning thereby that a person is believed to be innocent until found guilty. However, there are instances in our criminal law where a reverse onus has been placed on an accused with regard to some specific offences but that is another matter and does not detract from the fundamental postulate in respect of other offences. Yet another important facet of our criminal jurisprudence is that the grant of bail



is the general rule and putting a person in jail or in a prison or in a correction home (whichever expression one may wish to use) is an exception. Unfortunately, some of these basic principles appear to have been lost sight of with the result that more and more persons are being incarcerated and for longer periods. This does not do any good to our criminal jurisprudence or to our society. There is no doubt that the grant or denial of bail is entirely the discretion of the judge considering a case but even so, the exercise of judicial discretion has been circumscribed by a large number of decisions rendered by this Court and by every High Court in the country. Yet, occasionally there is a necessity to introspect whether denying bail to an accused person is the right thing to do on the facts and in the circumstances of a case”.

13. The principles laid down by the Hon’ble the Supreme Court of India in the case of ‘Satender Kumar Antil Vs. Central Bureau of Investigation and Another’, (2022) 10 SCC 51, are also relevant in this case. In the abovementioned case, it has been observed that “the rate of conviction in criminal cases in India is abysmally low. It appears to us that this factor weighs on the mind of the Court while deciding the bail applications in a negative sense. Courts tend to think that the possibility of a conviction being nearer to rarity, bail applications will have to be decided strictly, contrary to legal principles. We cannot mix up consideration of a bail application, which is not punitive in nature with that of a possible adjudication by way of trial. On the contrary, an ultimate acquittal with continued custody would be a case of grave injustice”.



14. Recently, in the case of ‘Tapas Kumar Palit Vs. State of Chhattisgarh’, 2025 SCC Online SC 322, the Hon’ble Supreme Court of India has observed that “if an accused is to get a final verdict after incarceration of six to seven years in jail as an undertrial prisoner, then, definitely, it could be said that his right to have a speedy trial under Article 21 of the Constitution has been infringed”. It has also been observed by the Hon’ble Supreme Court of India in the abovementioned case that “delays are bad for the accused and extremely bad for the victims, for Indian society and for the credibility of our justice system, which is valued. Judges are the masters of their Courtrooms and the Criminal Procedure Code provides many tools for the Judges to use in order to ensure that cases proceed efficiently”.

15. To elucidate further, this Court is conscious of the basic and fundamental principle of law that right to speedy trial is a part of reasonable, fair and just procedure enshrined under Article 21 of the Constitution of India. This constitutional right cannot be denied to the accused as mandated by Hon’ble Apex court in “Balwinder Singh versus State of Punjab and Another”, 2024 SCC Online SC 4354.

16. If the cumulative effect of all the abovementioned factors, involved in the instant case, is taken into consideration, it leads to a conclusion that the petitioner is entitled for the benefit of bail, and that the present petition deserves to be allowed.

16. Accordingly, without commenting anything on the merits of the case, the present petition is hereby ***allowed***. The petitioner is hereby ordered



CRM-M-68722-2025 (O&M)

to be released on bail on furnishing personal bond and surety bond(s) to the satisfaction of learned trial Court. However the abovementioned concession shall be subject to following conditions:-

- (i) that the petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, so as to dissuade him to disclose such facts to the Court or to any other authority.
- (ii) that the petitioner shall at the time of execution of bond, furnish the address to the Court concerned and shall notify the change in address to the trial Court, till the final decision of the trial; and
- (iii) that the petitioner shall not leave India without prior permission of the trial Court.

(SURYA PARTAP SINGH)
JUDGE

17.02.2026
Vinod

Whether speaking / reasoned	Yes/No
Whether Reportable	Yes/No