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

CRM-M No.69577 of 2025

Date of decision: 12.01.2026

Rajinder Singh @ Raja

..... Petitioner

versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Raghav Soni, Advocate and
Mr. Manish Kanora, Advocate
for the petitioner.

Mr. Raj Karan Singh, Asstt. A.G., Punjab.

RAJESH BHARDWAJ, J. (ORAL)

1. Present third petition has been filed praying for the grant of regular bail to the petitioner in case bearing FIR No.100, dated 22.05.2024, under Sections 21-C, 25, 27-A of NDPS Act, 1985 (Section 29 of NDPS Act and Sections 25, 54, 59 of Arms Act added later on), registered at Police Station Islamabad, District Amritsar.

2. Succinctly, the facts of the case are that the police party, while on patrolling on 22.05.2024, received a secret information to the effect that Rajinder Singh @ Raja (petitioner) is selling drugs in his car bearing registration No.PB-02-DE-0529. It was informed that if barricading is laid, he could be arrested along with the contraband. On receiving the secret information, raiding team was constituted and reached the place as disclosed in the secret information. One car, as disclosed, was



seen coming, in which one person was travelling, however, the same was stopped. On asking, the person i.e. driver of the car, disclosed his name to be Rajinder Singh @ Raja (petitioner). He was suspected to be carrying some contraband and thus, search of the car was conducted. On conducting the search, 500 grams of heroin was recovered along with Rs.40,000/- as drug money. He failed to produce any licence regarding the conscious possession of the same, thus, the FIR was registered and he was arrested on the spot. On registration of the FIR, the investigation commenced. Samples taken were sent to the FSL. On receipt of the FSL report, challan was presented and on framing of charges, the trial commenced. The petitioner approached the Court of learned Judge Special Court, Amritsar 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, Amritsar, dismissed the bail application filed by the petitioner vide order dated 07.03.2025. Being aggrieved, the petitioner earlier approached this Court twice praying for the grant of bail by way of filing CRM-M-14939-2025 and CRM-M-52160-2025, however the same were dismissed vide orders dated 28.05.2025 and 22.09.2025, respectively. Hence being aggrieved, the petitioner is again before this Court by way of filing the present third petition praying for the grant of regular bail.

3. It has been vehemently contended by learned counsel for the petitioner that the petitioner has been falsely implicated in the present case. He has submitted that the co-accused, namely, Gurbhej Singh @ Bheja and Ranjit Singh @ Kaka have already been granted bail by this



Court vide order dated 18.11.2025 passed in CRM-M-41996-2025 and CRM-M-63192-2025. He has submitted that the alleged recovery effected from the petitioner is 500 grams of heroin and Rs.40,000/-, which has been illegally considered as drug money. He has submitted that though the petitioner faced prosecution in 02 other cases, however in 01 case, he has been acquitted and in 01 case, he is on bail. He has submitted that the petitioner is behind bars since 22.05.2024. He has submitted that in the 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 the petitioner has been specifically named in the secret information and the recovery of 500 grams of heroin and Rs.40,000/- drug money has been effected from him. He has submitted that the recovery effected from the petitioner is a commercial quantity and thus, the provisions of Section 37 of NDPS Act are attracted. He, on instructions, has submitted that out of 40 prosecution witnesses, no witness has been examined so far. He has submitted that the petitioner is involved in 02 other cases. He, however, has endorsed the factum of grant of bail to the co-accused of the petitioner, namely, Gurbhej Singh @ Bheja and Ranjit Singh @ Kaka. He has produced custody certificate of the petitioner today in the Court which is taken on record.

5. Heard.

6. On hearing learned counsel for the parties and perusing the record, it is deciphered that the petitioner was arrested on the spot on 22.05.2024 and since then, he is behind bars. The recovery of 500 grams



of heroin, which is a commercial quantity and Rs.40,000/- have been effected from the petitioner. Custody certificate produced would show that the petitioner has suffered incarceration of 01 year, 07 months and 11 days as on 10.01.2026. It further reflects that the petitioner is involved in 02 other cases, however in 01 case, he has been acquitted and in 01 case, he is on bail. Co-accused of the petitioner, namely, Gurbhej Singh @ Bheja and Ranjit Singh @ Kaka have already been granted regular bail by this Court. Out of total 40 prosecution witnesses, no witness has been examined so far. Needless to say that every accused has the fundamental right of speedy trial.

7. 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.'

8. 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 sides and perusing the record, this Court is of the opinion that learned counsel for the petitioner succeed in making out a case for grant of regular bail to the petitioner.

9. 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.

12.01.2026

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(RAJESH BHARDWAJ)
JUDGE

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