

CRM-M-69716-2025

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

CRM-M-69716-2025

Date of decision: 23.01.2026

**KARAMPAL SINGH****...PETITIONER****VERSUS****STATE OF PUNJAB****...RESPONDENT****CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ**

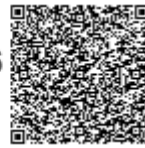
Present: Mr. K.B.Raheja, Advocate for the petitioner.

Mr. Raj Karan Singh, AAG, Punjab.

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**RAJESH BHARDWAJ, J. (ORAL)**

1. Present second petition has been filed for grant of regular bail in case FIR No.44 dated 17.04.2025 under Sections 21/61/85 of NDPS Act, 1985, registered at Police Station Mamdot, District Ferozepur.
2. Succinctly, the facts of the case are that the police party, while on patrolling on 17.04.2025, received a secret information to the effect that petitioner, namely, Karampal Singh and Mangal Singh @ Ajay were involved in selling the heroin. It was informed that they would come on their motorcycle Hero Honda bearing registration No.PB-05-AP-0242 from the side of Mamdot. If barricading was laid, they could be arrested along with the contraband. On receiving the secret information, police laid the barricading, the motorcycle resembling in the secret information was seen coming and the same was stopped. The driver of the motorcycle, on asking disclosed his name to be Karampal Singh (present petitioner) whereas the pillion rider disclosed his name to be Mangal Singh @ Ajay. They were suspected to be carrying some contraband. Thus, search was carried out. On conducting the personal search of the petitioner, 544

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grams of heroin was recovered from his left pocket of his lower. They failed to produce any license regarding the possession of the same and thus, they were arrested at the spot. On registration of FIR, investigation commenced. The samples taken were sent to the FSL. On receiving the FSL, challan was presented. He approached the learned Judge, Special Court, Ferozepur for grant of bail. However, after hearing both the sides and finding no merit in the same, the learned Judge, Special Court, Ferozepur declined the bail application vide order dated 27.11.2025. Aggrieved by the same, petitioner is before this Court praying for the grant of bail by way of filing the present petition.

3. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case. He further submits that the case of the prosecution is based on secret information, however, there is violation of provisions of Section 42 of NDPS Act. He further submits that there is a violation of provisions of Section 50 of the NDPS Act as well. He further submits that the alleged recovery of 544 grams of heroin has been planted upon the petitioner. He further submits that petitioner has no criminal antecedents as he has never been involved in any other case. Learned counsel for the petitioner had also prayed for the interim bail on account of the medical condition of the petitioner as he is suffering from serious disease in his spine. The Court had directed the State to verify the same. Thus, in the facts and circumstances, the petitioner deserves to be granted regular bail.

4. Per contra, learned State counsel has opposed the submissions made by the counsel for the petitioner and submits that the petitioner was specifically named in the FIR and on his personal search, 544 grams of heroin was recovered, which falls under the category of commercial quantity. Thus, the rigours of



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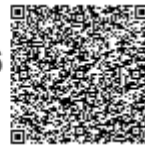
Court that the medical condition of the petitioner has been verified, and it has been found that the petitioner has been suffering from a serious spine problem for the past three months. He is being repeatedly taken to the hospital for treatment and is presently under medical treatment. He, on instructions from ASI Gohna Ram, submits that out of total 16 prosecution witnesses, none has been examined till date. He has placed on record the custody certificate of the petitioner on record.

5. Heard.

6. On hearing learned counsel for the parties and perusing the record, it is deciphered that the case of the prosecution is based on secret information. The petitioner was arrested on 17.04.2025. Besides, the merits of the case, the medical condition of the petitioner has been duly verified and found to be correct, and it has been established that he has been suffering from a serious spinal ailment for the past three months and is continuously under medical treatment. As per custody certificate, the petitioner has suffered an incarceration of 09 months and 05 days as on 22.01.2026 and he is not involved in any other case. The investigations is complete and charges have been framed. Out of total 16 prosecution witnesses, none has been examined till date.

7. In view of the facts and circumstances of the present case, this Court cannot ignore the fact that the speedy trial is the fundamental right of every accused. 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”<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.*

8. The veracity of the allegations would be assessed only after conclusion of the trial and on the appreciation of evidence to be led by both the parties before the trial Court.



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9. This Court would refrain itself from commenting anything on the merits of the case. Keeping in view, 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 petitioners. Accordingly, the present petitions are allowed. 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.

23.01.2026

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(RAJESH BHARDWAJ)  
JUDGE

Whether speaking/reasoned: Yes/No  
Whether reportable: Yes/No