



210

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

CRM-M-70442-2025

Date of Decision: 23.01.2026

Sandeep Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ**Present:** Mr. Sukhcharan Singh Gill, Advocate
for the petitioner.

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

RAJESH BHARDWAJ, J. (ORAL)

1. Petitioner has approached this Court by way of present petition praying for grant of bail in case FIR No.56 dated 03.05.2024, under Sections 21, 29/61/85 of Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Kot Isse Khan, District Moga.

2. Succinctly, the facts of the present case are that the police party, while on patrolling on 03.05.2024, received a secret information to the effect that Gurcharan Singh @ Ganja, Gurjant Singh @ Janta and Sandeep Singh (present petitioner) were habitual of selling heroin. It was informed that they would come in their Swift Dzire car bearing No.PB-04-AB-1707 from the side of Kot Isse Khan along with the contraband and in case the barricading is laid, they could be apprehended along with the contraband. On receiving the secret information, the police party reached at the place disclosed. A car was seen coming and on suspicion, the same was stopped by the police party. On asking, driver of the car disclosed his name to be Gurcharan Singh @ Ganja, person sitting on the adjacent seat disclosed his name to be Sandeep Singh (petitioner)



and person sitting at the rear seat, disclosed his name to be Gurjant Singh @ Janta. They were suspected to be carrying some contraband thus, the search was conducted. On conducting the search, 1.5 kgs of heroin was recovered from the dashboard of the car. They failed to produce any licence regarding possession of the same and hence, the FIR was registered and they were arrested on spot. The investigation commenced. The samples taken were sent to the FSL. On receipt of FSL report, challan was presented and on framing of charges, the trial commenced. The petitioner approached Ld. Judge, Special Court, Moga, praying for grant of bail, however, finding no merit, his application was declined after hearing both the sides by Learned trial Court vide order dated 01.05.2025. Aggrieved by the same, petitioner earlier approached this Court twice by way of filing of CRM-M-49822-2024 and CRM-M-28157-2025, however, same were dismissed as withdrawn vide orders dated 22.04.2025 and 09.07.2025, respectively. Hence, he is before this Court by way of filing of present third petition praying for grant of bail.

3. Learned counsel for the petitioner, at the outset, prays for the grant of bail on the basis of parity with that of the co-accused. He has drawn the attention of this Court to the common order dated 09.12.2025 passed by this Court in **CRM-M-48891-2025** and **CRM-M-68098-2025**, whereby co-accused of the petitioner, namely, Gurcharan Singh @ Ganja and Gurjant Singh @ Janta, have been granted the concession of bail. He has submitted that case of the petitioner is at par with that of the co-accused, who have been granted bail by this Court. He submits that on the basis of the parity, petitioner deserves to be granted bail as case of the petitioner is similar to that of the co-accused, who have already been granted bail.

4. Per contra, learned State counsel has opposed the submissions made by counsel for the petitioner. He submits that the recovery effected in the



present case is 1 kg and 500 grams of heroin, which is a commercial quantity and thus, provisions of Section 37 of NDPS Act, are attracted. He endorsed the fact that case of the petitioner is at par with co-accused, namely, Gurcharan Singh @ Ganja and Gurjant Singh @ Janta, have has already been granted bail by this Court. He has produced custody certificate of petitioner, today in the Court, which is taken on record.

5. After hearing learned counsel for the parties and perusing the record, it is deciphered that the petitioner has been arrayed as an accused in the present case on the basis of secret information. The petitioner is behind bars since the date of his arrest. The custody certificate produced would show that petitioner has suffered incarceration of 01 year, 08 months and 11 days as on 22.01.2026. It further reflects that the petitioner is involved in one more case, but the same is not under the NDPS Act. Admittedly, co-accused of the petitioner, namely, Gurcharan Singh @ Ganja and Gurjant Singh @ Janta, have already been granted bail by this Court vide common order dated 09.12.2025.

6. 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.

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”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. This Court would refrain itself from commenting anything on the merits of the case. The trial of the case will take sufficient long time. Thus, keeping in view the arguments raised by both the sides, 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 on the basis of parity.

9. Accordingly, the present petition is allowed and 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.

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.

23.01.2026
ps-I

(RAJESH BHARDWAJ)
JUDGE

Whether speaking/reasoned	:Yes/No
<i>Whether reportable</i>	: <i>Yes/No</i>