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

**CRM-M No.755 of 2026
Date of Decision: 16.01.2026**

Jaspal Singh @ Pala**..... Petitioner****Versus****State of Punjab****..... Respondent****CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ**

Present: Mr. Arshdeep Singh Brar, 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.49, dated 24.07.2024, under Section 15(C) of NDPS Act (Section 29 of NDPS Act added later on), registered at Police Station Sadar Abohar, District Fazilka.

2. Succinctly the facts of the case are that the police party, while on patrolling on 24.07.2024, saw a Canter make Ashoka Leyland bearing registration No.PB-05-AR-6379, coming from the side of Mateeli, however, on suspicion, the same was stopped. The driver of the canter, on asking, disclosed his name to be Gурpal Singh @ Gunni. He was suspected to be carrying some contraband in the canter and thus, the search of the same was conducted. On conducting the search, 11 bags of Poppy Husk were recovered. Each bag weighing 20 Kgs and thus, in all 220 Kgs of Poppy Husk was recovered. 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. The samples taken were sent to the FSL. During the investigation, he made a disclosure statement about the petitioner regarding his complicity in selling the Poppy Husk. Thus, the petitioner was arrayed as an accused in the present case. Resultantly, the petitioner was arrested on 30.07.2024. On completion of the investigation, the challan was presented and on framing of charges, the trial commenced. The petitioner approached the Court of learned Judge, Special Court, Fazilka praying for the grant of bail, however after hearing both the sides and finding no merit in the same, the learned Judge, Special Court, Fazilka declined the bail application filed by the petitioner vide order dated 16.01.2025. Being aggrieved, the petitioner earlier approached this Court praying for the grant of bail by way of filing CRM-M-6814-2025, however the same was dismissed as withdrawn vide order dated 05.08.2025. Hence being aggrieved, the petitioner is again before this Court by way of filing the present second petition praying for the grant of regular bail.

3. Learned counsel for the petitioner has submitted that the petitioner has been falsely implicated in the present case. He has submitted that neither the petitioner was present at the spot nor any recovery has been effected from him, however, he has been arrayed as an accused in the present case on the basis of disclosure statement of co-accused, which is not even an admissible evidence. He has submitted that the petitioner is behind bars since the date of his arrest. He has submitted that though the petitioner is implicated in one more case, however he is on



bail in that case. To buttress his arguments, he has submitted that the petitioner is behind bars from last more than 01 year, however, there is no material progress in the trial. He has submitted that in the facts and circumstances of the case, the petitioner deserves to be granted bail.

4. Learned counsel for the State has vehemently opposed the submissions made by learned counsel for the petitioner. He has submitted that the contraband recovered in the present case weighing 220 Kgs of Poppy Husk, which is a commercial quantity and thus, the provisions of Section 37 NDPS Act are attracted. He has submitted that the petitioner is involved in one more case. He, on instructions, has submitted that out of total 19 prosecution witnesses, 02 witnesses have been examined so far. 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 has been arrayed as an accused in the present case on the basis of disclosure statement of co-accused. The recovery of 220 Kgs of Poppy Husk, which is a commercial quantity, has been effected from the canter, which was being driven by the co-accused, Gurpal Singh. The petitioner is behind bars since 30.07.2024. Custody certificate produced would show that the petitioner has suffered an incarceration of 01 year, 05 months and 09 days as on 14.01.2026. It further reflects that the petitioner is involved in one other case, however, he is on bail in that case. Out of 19 prosecution witnesses, 02 witnesses have been examined so far.

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.

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. 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.
9. 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.
10. Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on her 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.

16.01.2026

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Whether speaking/reasoned
Whether reportable

(RAJESH BHARDWAJ)

JUDGE

: Yes/No
: Yes/No