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

CRM-M-73685-2025

Date of Decision: 01.04.2026

Sandeep Singh

..... Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Dinesh Trehan, Advocate, for the petitioner.

Mr.Raj Karan Singh, AAG, Punjab.

Rajesh Bhardwaj, J. (ORAL)

1. Prayer in the present petition is for grant of regular bail to the petitioner in a case FIR No.424 dated 01.12.2024, registered under Sections 21/29 of NDPS Act, 1985, at Police Station City Ferozepur, District Ferozepur.

2. Succinctly, facts of the case are that on 01.12.2024 the police party while on patrolling laid barricading at the boarder road ahead of truck union, when they saw two clean shaved persons riding on black coloured motorcycle. On seeing the police, they got perplexed and tried to turn back the motorcycle. However, on the basis of suspicion, they were apprehended by the Police and on asking, rider of the motorcycle disclosed his name to be Karnail Singh, whereas, pillion rider disclosed his name to be Sandeep Singh (petitioner). They were suspected to be carrying some contraband. Thus, search was conducted and on conducting personal search of Sandeep Singh, 300 grams of heroin was recovered, whereas, from the personal search of Karnail Singh, 205 grams of heroin was recovered. They failed to produce any licence regarding the possession of the same, and thus, on



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registration of the FIR, they were arrested on the spot. The investigation commenced. Samples taken were sent to the FSL. The petitioner approached the Court of learned Judge, Special Court-I, Ferozepur praying for grant of regular bail. However, after hearing both the sides, the learned Court finding no merit in the same, dismissed the bail application filed by the petitioner vide order dated 10.03.2025. Earlier the petitioner approached this Court twice by way of filing CRM-M-22008-2025 and CRM-M-40970-2025, however, the same were dismissed as withdrawn vide separate orders dated 01.05.2025 and 21.08.2025, respectively. Hence, the petitioner has approached this Court again praying for grant of regular bail by way of filing the present third petition.

3. It has been vehemently contended by learned counsel for the petitioner that the petitioner has been falsely and frivolously implicated in the present case. He submits that admittedly the alleged recovery is from a public place, however, no independent witness has been joined. He submits that as per the case of the prosecution, the petitioner alongwith co-accused was coming on motorcycle when, they were stopped by the police. The petitioner was alleged riding pillion on the motorcycle. To buttress his arguments, he submits that the petitioner has no criminal antecedents as he has never been involved in any other case. He submits that the co-accused, who was riding the motorcycle, has already been granted bail by this Court. He submits that the petitioner is behind the bars from the last more than one year, however, till date there is no material progress in the trial. He, thus, has submitted that in the overall facts and circumstances, the petitioner deserves to be granted bail.



4. *Per contra*, learned State counsel has vehemently controverted the submissions made by counsel for the petitioner. It is submitted that it is a case of chance recovery. It is submitted that the petitioner alongwith the co-accused was apprehended on the spot by the police. From the search of the co-accused, 205 grams of heroin was recovered, which was a non-commercial quantity. So far as the petitioner is concerned, from his search 300 grams of heroin was recovered, which is a commercial quantity and thus, provisions of Section 37 of the NDPS Act are attracted in this case. On instructions, she has submitted that out of total 11 prosecution witnesses, one witness has been examined till date. He has placed on record the custody certificate of the petitioner.

5. After hearing counsel for the parties and perusing the record, it is deciphered that though from co-accused the recovered contraband was non-commercial, however, he has been granted bail by this Court. As contended before this Court, no independent witness has been joined. The custody certificate would show that the petitioner has suffered incarceration of 01 year, 03 months & 29 days as on 31.03.2026. As per the custody certificate, the petitioner has no criminal antecedents. Out of total 11 prosecution witness, one prosecution witness has been examined.

6. 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.'

7. 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. 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 succeeds in making out a case for grant of regular bail to the petitioner.

8. 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.

9. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

01.04.2026
sharmila

(RAJESH BHARDWAJ)
JUDGE
Whether Speaking/Reasoned : Yes/No
Whether Reportable : Yes/No