



225

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

CRM-M-18339-2026

Date of decision :11.05.2026

Harinder Kumar**....Petitioner**

versus

State of Punjab**.....Respondent****CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ**

Present :- Mr. Jashandeep Singh Sandhu, Advocate
for the petitioner.

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

RAJESH BHARDWAJ, J. (Oral)

1. Present third petition has been filed for grant of regular bail in case FIR No.59 dated 01.05.2025, under Section 21(c) of Narcotic Drugs and Psychotropic Substances Act, 1985 (Section 27 & 29 of NDPS Act added lateron), registered at Police Station Dyalpura, District Bathinda.

2. Succinctly the facts of the case are that the police party while on patrolling on 01.05.2025, when reached near Pull Kassi ahead of Gurdwara Gangsar Sahib, saw a young man sitting on a black Platina motorcycle holding a black polythene envelope in his hands. On suspicion, he was approached and on seeing the police, he got perplexed. On asking, he disclosed his name to be Lovepreet Singh. He was suspected to be carrying some contraband in the black polythene envelope, he was holding and thus, search was conducted. On conducting the search, 500 grams of heroin, was recovered from the same. He failed to produce any licence regarding the possession of the same. Thus, the



FIR was registered and he was arrested on the spot. On registration of FIR, the investigation commenced. Samples taken were sent to FSL. During investigation, complicity of the petitioner surfaced and he was arrayed as an accused in the present case. Resultantly, the petitioner was arrested on 01.07.2025. On receipt of FSL report, challan was presented and charges were framed. On framing of charges, trial commenced. He approached the Court of learned Judge, Special Court, Bathinda, praying for the grant of bail. However, after hearing both the sides, finding no merit in the same, the learned trial Court, dismissed the petition filed by the petitioner vide order dated 17.10.2025. Hence being aggrieved, the petitioner earlier approached this Court twice by way of filing of CRM-M-66550-2025 and CRM-M-73576-2025, however, the same were declined by this Court vide orders dated 03.12.2025 and 13.01.2026, respectively, Hence, the petitioner is before this Court by way of filing the present third petition praying for the grant of regular bail.

3. Learned counsel for the petitioner has contended that the petitioner has been falsely implicated in the present case. He submits that neither the petitioner is named in the FIR nor any recovery has been effected from him. He submits that the alleged recovery of 500 grams of heroin is from the co-accused and the petitioner has been arrayed as an accused only on the basis of disclosure statement of co-accused. He submits that the disclosure statement in itself is not even an admissible evidence. He submits that even otherwise the alleged recovery of 500 grams of heroin from co-accused, is in violation of mandatory provisions of Section 50 of NDPS Act. He submits that the recovery from the co-accused is from a public place, however, no independent witness was joined by the investigating agencies. He submits that though the petitioner



has been falsely implicated in one more case, however, he is on bail in the said case. He submits that false implication of the petitioner is evident. He submits that the petitioner is behind bars since the date of his arrest, however, there is no material progress in the trial and thus, his right of speedy trial is miserably defeated. He thus, submits that in the facts and circumstances of the case, the petitioner deserves to be granted bail.

4. Per contra, learned State counsel has opposed the submissions made by the counsel for the petitioner and submits that the alleged recovery of 500 grams of heroin, effected in the present case falls under the category of commercial quantity and thus, provisions of Section 37 of NDPS Act, are attracted. He submits that complicity of the petitioner was surfaced during the investigation and he was found to be the supplier of the contraband, as disclosed by the co-accused. He, on instructions, has submitted that out of total 23 prosecution witnesses, only 01 witness has been examined so far. He has produced the custody certificate of the petitioner on record.

5. After hearing counsel for the parties and perusing the record, it is deciphered that the complicity of the petitioner surfaced during the investigation and he was arrayed as an accused on the basis of disclosure statement of the co-accused from whom the alleged recovery of 500 grams of heroin was effected. Violation of provisions of Section 50 of NDPS Act, is vehemently contended. As per custody certificate, the petitioner has suffered an incarceration of 10 months and 06 days as on 09.05.2026. It further reflects that the petitioner is involved in one more case, however, he is on bail. As submitted before this Court, out of total 23 prosecution witnesses, only 01 witness has been examined so far. Needless to say that every accused has the fundamental right of speedy trial.



6. 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.

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. The trial of the case will take sufficiently long time. Thus, keeping in view the overall facts and circumstances of the case, 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.

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.

11.05.2026
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(**RAJESH BHARDWAJ**)
JUDGE

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