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

CRM-M-15184-2026

Date of decision : 10.04.2026

Kuldeep Singh**....Petitioner**

versus

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

Present :- Mr. B.B.S. Randhawa, Advocate
for the petitioner.

Mr. K.D. Sachdeva, D.A.G., Punjab.

RAJESH BHARDWAJ, J. (Oral)

1. Present fifth petition has been filed for grant of regular bail in case FIR No.103 dated 18.07.2024, under Sections 21, 22 & 29 of Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Ghuman, District Police District Batala, Gurdaspur.

2. Succinctly the facts of the case are that the Police party while on patrolling on 18.07.2024, while they were shifting barricading on village Dahia Link Road then one Alto car was seen coming, which was signaled to stop and then the person sitting in the car got perplexed. On asking, he disclosed his name to be Kuldeep Singh (petitioner herein). He was suspected to be carrying some contraband and thus, search was conducted. On conducting the search, one black coloured polythene bag was recovered from the dashboard of the car, from which, 02 grams of heroin and 30 narcotic tablets without label, was recovered. He failed to produce any license regarding possession of the same and thus, the FIR was registered and he was arrested on spot. The investigation commenced.



Samples taken were sent to the FSL. On receipt of FSL report, challan was presented, charges were framed and on framing of charges, trial commenced. The petitioner approached the Learned Judge, Special Court, Gurdaspur praying for grant of bail, however, finding no merit, the same was declined after hearing both the sides by Learned Judge, Special Court, Gurdaspur vide order dated 24.04.2025. Aggrieved by the same, the petitioner earlier approached this Court by way of filing of four petitions i.e. CRM-M-14485-2025; CRM-M-27087-2025; CRM-M-51213-2025 and CRM-M-64875-2025, however, the same were declined by this Court vide orders dated 18.03.2025, 11.07.2025, 17.09.2025 and 21.11.2025, respectively. Hence, petitioner is before this Court by way of filing of present fifth petition for grant of bail.

3. Learned counsel for the petitioner has vehemently contended that the petitioner has been falsely implicated in the present case. He submits that admittedly, as per the case of the prosecution, the alleged recovery effected was effected from the dashboard of the car, which was allegedly being driven by the petitioner, thus, no conscious possession is proved. He submits that there is blatant violation of provisions of Section 50 of NDPS Act in conducting the search. He submits that the alleged recovery has been effected from a public place, however, no independent witness was joined by the investigating agency. He submits that as per the statutory provisions of NDPS Act, the contraband above 2.5 grams falls under the category of commercial quantity whereas the alleged recovery from the petitioner is 3.51 Etizolam. He further submits that the alleged recovery effected is 02 grams of heroin, which falls under the small quantity. He submits that there is no material progress in the trial, thus, 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 from the personal search of the petitioner, 3.51 grams of Etizolam was recovered, which falls under the commercial quantity and thus, provisions of Section 37 of NDPS Act, are attracted in the present case, however, the alleged recovery of 02 grams of heroin, falls under the small quantity. He submits that the petitioner is a habitual offender who is involved 07 more cases. He, on instructions, has submitted that out of total 15 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 alleged recovery effected from the petitioner is 30 intoxicant tablets containing 3.51 grams of Etizolam and 02 grams of heroin. The alleged recovery in the present case has been effected from a public place. As per custody certificate, the petitioner has suffered incarceration of 01 year and 16 days as on 09.04.2026. Though the petitioner is involved in 07 more cases, out of which in 03 cases, he is on bail. As submitted before this Court, out of total 15 prosecution witnesses, only 01 witness has been examined till date.

6. 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.*

7. 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. 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.

8. 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.

9. 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.

10.04.2026

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(RAJESH BHARDWAJ)

JUDGE

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