(226+278)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-29899-2025
Date of Decision: 29.09.2025

RUPINDER SINGH @ SAJAN

... Petitioner

Versus

STATE OF PUNJAB

...Respondent

CRM-M-48499-2025

SHARANJIT SINGH @ SHANNO

... Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Rishu Mahajan, Advocate
for the petitioner in CRM-M-29899-2025.

Mr. Amitoj Singh Dhaliwal, Advocate
for the petitioner in CRM-M-48499-2025.

Mr. Harkanwar Jeet Singh, Asstt. A.G., Punjab.

****

JASJIT SINGH BEDI, J.

This order shall dispose of two petitions bearing No.CRM-M-29899-2025 titled as Rupinder Singh @ Sajan Versus State of Punjab and CRM-M-48499-2025 titled as Sharanjit Singh @ Shanno Versus State of Punjab as the same are arising out of the same FIR. However, for the sake of convenience the facts have been taken from CRM-M-29899-2025.

2. The prayer in the present petitions under Section 483 BNSS, 2023 is for the grant of regular bail in case bearing FIR No.45 dated 08.03.2024 registered under Sections 21(C)/29 NDPS Act at Police Station Chhehharta, Amritsar.

3. The brief facts of the case are that Gurpreet Singh @ Gopi and Rupinder Singh @ Sajan (petitioner in CRM-M-29899-2025) came to be apprehended with 500 grams of Heroin. On the disclosure statement of Gurpreet Singh @ Gopi, Manpreet Singh @ Sunny and Karan Devgan came to be nominated as accused. On the basis of the disclosure statement of Manpreet Singh @ Sunny, Harmanpret Singh came to be nominated as accused. Manpreet Singh @ Sunny disclosed that he along with Sharanjit Singh @ Shanno (petitioner in CRM-M-48499-2025) and Bikramjeet Singh used to purchase Heroin. Based on the said disclosure statements Sharanjit Singh @ Shanno and Bikramjeet Singh came to be nominated as accused. From Sharanjit Singh @ Shanno 500 grams of heroin came to the effected.

4. The learned counsel for the petitioners contends that the petitioners have been falsely implicated in the present case. The mandatory provisions of Sections 42 and 50 of the NDPS Act have not been complied with in their proper perspective. No independent witness was joined at the time of search and seizure. As they are first-time offenders, in custody since 08.03.2024 & 24.03.2024 respectively but only 03 of the 31 prosecution witnesses have been examined so far, the trial of the present case is not likely to be concluded anytime soon and therefore, they are entitled to the

concession of bail in view of the judgment of the Hon'ble Supreme Court in the case of ***Nitish Adhikary @ Bapan Versus The State of West Bengal, SLP (Crl.) Nos.5769/2022 arising out of judgment and order dated 04.05.2022 in CRM(NDPS) No.442/2022, decided on 01.08.2022 and Hasanujjaman & others Versus The State of West Bengal, SLP (Crl.) No.(s).3221/2023 arising out of impugned final judgment and order dated 29.11.2022 in CRM(NDPS) No.1323/2022, decided on 04.05.2023***.

5. On the other hand, the learned State counsel contends that commercial quantity of contraband has been recovered from the petitioners. Therefore, in view of the bar contained under Section 37 of the NDPS Act, the petitioners are not entitled to the grant of bail. He, however, concedes that the petitioners are first-time offenders, in custody since 08.03.2024 & 24.03.2024 respectively but only 03 of the 31 prosecution witnesses have been examined so far.

6. I have heard the learned counsel for the parties.

7. The Hon'ble Supreme Court in the case of ***Nitish Adhikary @ Bapan Vs. The State of West Bengal SLP (Crl.) Nos.5769/2022 Decided on 01.08.2022*** held as under:-

> *"As per the office report dated 29.07.2022, copy of the show cause notice along with Special Leave Petition was supplied to the Standing Counsel for the State of West Bengal and separate notice has been served on the State also. However, no one has entered appearance on their behalf.*
>
> *The petitioner seeks enlargement on bail in F.I.R. No. 612 of 2020 dated 17.10.2020 filed under Section 21(c) and 37 of the*

NDPS 2 Act, registered at Police Station Bongaon, West Bengal.

During the course of the hearing, we are informed that the petitioner has undergone custody for a period of 01 year and 07 months as on 09.06.2022. The trial is at a preliminary stage, as only one witness has been examined. The petitioner does not have any criminal antecedents.

Taking into consideration the period of sentence undergone by the petitioner and all the attending circumstances but without expressing any views in the merits of the case, we are inclined to grant bail to the petitioner.

The petitioner is accordingly, directed to be released on bail subject to him furnishing bail bonds to the satisfaction of the Trial Court.

The Special Leave Petition is disposed of on the aforestated terms.

Pending application(s), if any, shall stand disposed of."

8. In ***Hasanujjaman & others Versus The State of West Bengal, SLP (Crl.) No.(s).3221/2023, decided on 04.05.2023,*** held as under:-

"1. There are three petitioners in this Special Leave Petition, who were accused of committing an offence under Sections 21(c)/29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, `NDPS Act') in FIR No.18/2022, dated 09.01.2022, registered at Police Station Islampur, District Murshidabad, West Bengal.

2. The allegations are that when the police party intercepted the petitioners along with another person riding on two motorcycles, they were found in possession of codeine phosphate in a consignment of phensedyl bottles loaded in two nylon bags. During the search, 115 bottles (100 ml. each) of phensedyl were recovered from the joint possession

of the petitioners. ***They were arrested on the spot and have been in custody for more than one year and four months.***

3. We have heard learned counsel for the parties and carefully perused the record.

4. ***The investigation is complete; chargesheet has been filed, though the charges are yet to be framed. The conclusion of trial will, thus, take some reasonable time, regardless of the direction issued by the High Court to conclude the same within one year from the date of framing of charges. The petitioners do not have any criminal antecedents. There is, thus, substantial compliance of Section 37 of the NDPS Act.***

5. In such circumstances, but without expressing any views on the merits of the case, we deem it appropriate to release the petitioners on bail subject to the terms and conditions as may be imposed by the Trial Court.

6. Additionally, it is clarified that in case the petitioners are found involved in any other case under the NDPS Act or other penal law, it shall amount to misuse of the concession of bail granted to them today, and in such a case, necessary consequences shall follow.

7. The petitioners are further directed to appear before the Trial Court regularly. In the event of they being absent, it shall again be taken as a misuse of concession of bail.

8. The Special Leave Petition stands disposed of in the above terms.

9. As a result, pending interlocutory application also stands disposed of.

(emphasis supplied)

9. Admittedly, in ***'Nitish Adhikary @ Bapan' (supra) and 'Hasanujjaman & others'*** (supra), the accused therein had been granted the concession of bail by the Hon'ble Supreme Court after they had undergone approximately one and a half years of custody. They were also first-time offenders as is borne out from the orders.

10. In the instant case, the petitioners are stated to be in custody since 08.03.2024 & 24.03.2024 respectively but only 03 of the 31prosecution witnesses have been examined so far. They are also first-time offenders with no other cases registered against them. In this situation, the rigors of Section 37 of the NDPS Act can be diluted to an extent in view of the salutary provisions of Article 21 of the Constitution of India which provides for the right to a speedy trial and the case of the petitioners can be considered for the grant of bail.

11. Thus without commenting on the merits of the case, the present petitions are allowed and the petitioners are ordered to be released on bail subject to their furnishing bail bonds and surety bonds to the satisfaction of learned CJM/Duty Magistrate, concerned.

12. The petitioners shall appear before the police station concerned on the first Monday of every month till the conclusion of the trial and inform in writing each time that they are not involved in any other crime other than the present case.

13. In addition, the petitioners (or anyone on their behalf) shall prepare an FDR in the sum of Rs.1,00,000/- each and deposit the same with

the Trial Court. The same would be liable to be forfeited as per law in case of the absence of the petitioners from trial without sufficient cause.

14. The petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

29.09.2025
JITESH

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