

CRM-M-7893-2025
CRM-M-59771-2024
225(2 cases)

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2025 PHHC 031343



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

1. CRM-M-7893-2025

Kuldeep Singh @ PrincePetitioner

versus

State of Punjab Respondent

2. CRM-M-59771-2024

Mangal Singh @ LaddiPetitioner

versus

State of Haryana Respondent

Date of decision : 05.03.2025

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Anoop Singla, Advocate
for the petitioner in CRM-M-7893-2025.

Mr. Amitoj Singh Dhaliwal, Advocate
for the petitioner in CRM-M-59771-2024.

Mr. J.S. Arora, D.A.G., Punjab.

RAJESH BHARDWAJ, J. (Oral)

1. By way of this common order, I intend to dispose of abovesaid two petitions as they have arisen out of the same FIR.

2. Petitioners have approached this Court by way of present petitions praying for granting them regular bail in case FIR No.063 dated 26.07.2023, under Sections 21-61-85 of Narcotic Drugs and Psychotropic Substances Act, 1985 registered at Police Station Badhni Kalan, District Moga.

3. Succinctly the facts of the case are that the Police received a secret information on 26.07.2023 to the effect that Kuldeep Singh @ Prince and Mangal Singh @ Laddi are involved in selling the intoxicant



tablets. It was informed that they were waiting for their customers near drain bridge Rauke road Badhni Kalan and in case of raid is conducted they could be arrested alongwith the contraband. On receiving the information, Police constituted a raiding team and raid was conducted at the disclosed place. Both the persons, as disclosed in the secret information were found at the place carrying the polythene bag in their hands, however, on seeing the Police they threw the bag. The police party apprehended both of them. The polythene bag having been thrown by them were searched and on search, 50 intoxicant tablets from each of the polythene bag were recovered. Both the petitioners failed to produce any license regarding possession of the same and hence the FIR was registered and the petitioners were arrested on spot. The investigation commenced and samples taken from the contraband were sent to FSL. As per the FSL report, the contraband recovered from both the petitioners were found to be Etizolam weighing 6.7 grams from each of the accused. Petitioners- Kuldeep Singh @ Prince and Mangal Singh @ Laddi, approached the Learned Judge, Special Court, Moga praying for grant of bail, however, finding no merit, both the applications were declined after hearing both the sides by Learned Judge, Special Court, Moga vide order dated 25.09.2023 and 23.08.2023, respectively. Aggrieved by the same, petitioner-Kuldeep Singh @ Prince earlier approached this Court by way of filing CRM-M-61831-2023, however, the same was dismissed as withdrawn vide order dated 09.09.2024, passed by this Court. Whereas, the present one is the first petition filed by petitioner-Mangal Singh @ Laddi, praying for grant of bail.

4. Learned counsel for the petitioner(s) has vehemently contended that the petitioners have been falsely and frivolously implicated



in the present case. It is submitted that the FIR is registered on the basis of secret information, however, there is gross violation of Section 42 of NDPS Act. It is submitted that the alleged recovery has been effected from a public place, however, no independent witness was joined by the investigating agency. It is submitted that there is a violation of Section 50 of NDPS Act as well. It is submitted that though the petitioners have been falsely implicated in one more case, however, they are on bail in those cases. It is submitted that the petitioners are behind bars since 26.07.2023, however, there is no progress in the trial. It is submitted that in the facts and circumstances of the case, petitioners deserve to be granted bail.

5. Learned State counsel, on instructions, has opposed the submissions made by the counsel for the petitioners and submits that the petitioners were arrested on due compliance of Sections 42 and 50 of the NDPS Act. He submits that contraband recovered from the petitioners, as per the FSL report, was of commercial quantity and thus, the provisions of Section 37 of NDPS Act, are attracted in the present case. He has produced the custody certificate of the petitioners in the Court. He further submits that 06 prosecution witnesses have been examined and 07 witnesses more are yet to be examined.

6. On hearing counsel for the parties and perusing the record, it is deciphered that the FIR was registered on the basis of secret information and the petitioners are behind bars since 26.07.2023. As submitted by learned State counsel, 06 witnesses have been examined as on date and rest 07 witnesses are yet to be examined. Custody certificate produced, would reflect that the petitioners have completed the incarceration of 01 year, 07 months and 05 days as on 04.03.2025. Though the petitioners are involved in one more case, however, they are on bail in



those cases.

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 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 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 petitioners succeed in making out a case for grant of regular bail. Accordingly, both the petitions are allowed. Petitioners are ordered to be released on bail on their 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. Photocopy of this order be placed on the file of other connected cases.

(RAJESH BHARDWAJ)
JUDGE

05.03.2025
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Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No