



206

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

CRM-M-12830-2025

Date of decision :25.07.2025

Dhir Singh @ Dheera**.....Petitioner****versus****State of Punjab****..... Respondent****CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ**

Present :- Mr. Yajur Sharma, Advocate
for the petitioner.

Ms. Simran Gorla, A.A.G., Punjab.

RAJESH BHARDWAJ, J. (Oral)

1. Present second petition has been filed for grant of regular bail to the petitioner in case FIR No.251 dated 21.08.2023, under Sections 21, 23, 28, 29 & 30 of Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Special Task Force (STF), District SAS Nagar, Mohali.

2. Succinctly the facts of the case are that on 21.08.2023, the police party while on patrolling, received a secret information to the effect that Dilbag Singh @ Baga and Dhir Singh @ Dhira, were involved in smuggling of heroin and they were carrying out the same from the smugglers across the Border. If their houses are raided, contraband could be recovered. On receiving the information, the raiding party was constituted and the house of Dilbag Singh was raided, who was arrested. Thereafter, the raiding party raided the house of petitioner-Dhir Singh and he was also arrested. On his interrogation, the petitioner made a disclosure



and in pursuance to the same, 01 kg heroin was recovered from his house on the next date i.e. 22.08.2023. They failed to produce any licence regarding the possession of the same and thus, on registration of FIR, the investigation commenced. On completion of investigation, challan was presented and on framing of charges, the trial Court commenced with the trial. The petitioner approached the learned Additional Sessions Judge, Amritsar for grant of bail, however, after hearing both the sides, the same was declined by the learned Additional Sessions Judge, Amritsar vide order dated 02.03.2024. Aggrieved by the same, the petitioner earlier approached this Court by way of filing of CRM-M-20609-2024 but the same was dismissed as withdrawn vide order dated 29.07.2024. Hence, the petitioner is before this Court by way of filing of second petition.

3. Learned counsel for the petitioner has vehemently contended that the petitioner has been falsely and frivolously implicated in the present case on the basis of concocted secret information. He submits that the petitioner was arrested on 21.08.2023 and thereafter, on the next day, from his house itself, recovery of 01 kg heroin was effected. He submits that though the petitioner has been falsely implicated in 03 other cases, however, he is on bail in those cases. He submits that there is gross violation of Sections 42 & 50 of NDPS Act in the present case. He submits that the petitioner is behind bars since 21.08.2023 and the material witnesses already stand examined. He thus, submits that in the facts and circumstances of the case further incarceration of the petitioner petitioner is unwarranted and he 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 there was a specific secret information about the petitioner and co-accused. She



submits that on conducting raid, 01 kg heroin was recovered from the house of the petitioner on his disclosure, which is a commercial quantity and thus, provisions of Section 37 of NDPS Act, are attracted in the present case. She further submits that petitioner is a habitual offender, who is involved in other cases as well. She, on instructions, has submitted that out of total 19 prosecution witnesses, only 06 witnesses have been examined so far. She has produced the custody certificate of the petitioner on record.

5. On hearing counsel for the parties and perusing the record, it is deciphered that the FIR has been registered on the basis of secret information. The raid on the house of petitioner was conducted on the same day i.e. 21.08.2023, however, recovery of 01 kg of heroin was effected on the next date from his house. As per custody certificate, the petitioner has suffered an incarceration of 01 years, 10 months and 27 days as on 24.07.2025. Though the petitioner is involved in other cases, however, he is on bail in those cases. Out of total 19 prosecution witnesses, only 06 witnesses have been examined so far.

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 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 petitioner succeeds in making out a case for grant of regular bail. 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 Court/Duty Magistrate.

25.07.2025
ps-I

(RAJESH BHARDWAJ)
JUDGE

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