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

**CRM-M No.15050 of 2024
Date of Decision: 19.03.2025**

Inderpreet Singh**..... Petitioner**

Versus

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

Present: Mr. Divyadeep Walia, Advocate
for the petitioner.

Mr. Tanuj Sharma, A.A.G., Haryana.

RAJESH BHARDWAJ, J. (ORAL)

1. Present petition has been filed by the petitioner seeking regular bail in case FIR No.196 dated 12.07.2022, under Sections 22-C of Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Saha, District Ambala.

2. Prosecution case is that on 12.07.2022, two accidental cars were found abandoned near Saini dhaba on Shahzadpur road. From one car a bag containing 6000 tablets of Lomotil (Diphenoxylate Hydrochloride and Atropine Sulphate Tablets IP) and 750 tablets of Tramanam-SR 100 (Tramadol prolonged release Tablets IP) were recovered. Similarly from the other car, a bag containing 42,000 tablets of Lomotil (Diphenoxylate Hydrochloride and Atropine Sulphate Tablets IPT), 80 small bottles of CHOCO (Codeine Phosphate & Chlorpheniramine Maleate) Syrup and 15 small bottles of Codectuss (Triorolidine Hydrochloride and Codeine Phosphate) Syrup were recovered. During the course of investigation, petitioner was arrested on



the disclosure statement of the co-accused, on 15.10.2023 and is in custody ever since.

3. Learned counsel for the petitioner has submitted that the petitioner is behind bars since 15.10.2023. He submits that neither the petitioner was named in the FIR nor any recovery has been made from him. However, he has been arrayed as an accused only on the basis of disclosure statement made by co-accused, namely, Vipin Kumar, who has already been enlarged on bail vide order dated 29.08.2023 passed by this Court. He submits that the petitioner has no criminal antecedents and till date the prosecution has not been able to conclude the trial. He has drawn the attention of this Court to the order passed by the Coordinate Bench in **CRM-M-19798-2023** dated 29.08.2023 whereby co-accused of the petitioner, namely, Vipin Kumar, has been granted the concession of bail. He has submitted that case of the petitioner is at par with the co-accused, who has already been granted bail by this Court. He submits that on the basis of the parity, petitioner deserves to be granted bail.

4. Learned counsel for the State although has opposed the prayer of the petitioner. He submits that the petitioner is the owner of both the cars from which contraband has been recovered. He submits that both the contraband i.e. Tramadol and Lomotil tablets were found to be commercial in nature and thus, the provisions of Section 37 of NDPS Act, are attracted on the present case. He endorsed the fact that the case of petitioner is at par with co-accused, namely, Vipin Kumar, who has already been granted bail by this Court. He has produced the custody certificate of the petitioner on record, as per which, petitioner is not involved in any other case.



record, it is apparent that the petitioner was arrested on 15.10.2023 in the present case only on the basis of disclosure statement made by co-accused, namely, Vipin Kumar. As submitted before this Court, the co-accused of the petitioner, namely, Vipin Kumar, has already been granted bail by the Court vide order dated 29.08.2023 passed in **CRM-M-19798-2023**. The custody certificate produced would show that the petitioner has suffered an incarceration of 01 year, 05 month and 03 days as on 19.03.2025. It further reflects that the petitioner has no criminal antecedents. In all there are 18 prosecution witnesses out of which only 02 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.

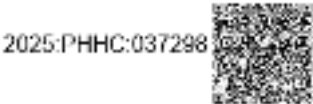
22. xxxxx

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.

8. This Court would refrain itself from commenting anything on the merits of the case. Keeping in view the arguments raised by both the sides and perusing the record, the Court is of the opinion that learned counsel for the petitioner succeed in making out a case for the grant of bail to the petitioner on the basis of parity with the co-accused as stated

above. Accordingly, present petition is allowed and 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.

19.03.2025
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(RAJESH BHARDWAJ)
JUDGE

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