



259

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

CRM-M-15210-2025

Date of decision : 25.03.2025

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

Present :- Ms. Komal Balain, Advocate
for the petitioner.

Mr. Karunesh Kaushal, A.A.G., Punjab.

RAJESH BHARDWAJ, J. (Oral)

1. Present petition has been filed praying for the grant of regular bail to the petitioner in case bearing FIR No.32, dated 07.03.2023, under Sections 22/25/29/61/85 of NDPS Act, registered at Police Station Dakha, District Ludhiana.

2. The FIR was lodged pursuant to receipt of secret information by the police to the effect that Sukhwinder Singh, Sukhjinder Singh @ Sunny and Ranjit Singh used to indulge in sale of intoxicating tablets and that even on the given day i.e. on 7.3.2023 they were proceeding in a silver coloured 'Wagon-R' car bearing registration No.PB-29-AE-7887 from Village Jangpur to Mandi Mullanpur. Pursuant to receipt of said information, the police was able to intercept the vehicle in question in which the aforesaid 3 persons were found to be sitting. As per the case of prosecution, a bag containing 900 intoxicating tablets was recovered lying near the gear of the vehicle in question. They failed to produce any license regarding possession of the same and hence, the FIR was registered and



they were arrested on spot. Upon chemical analysis the tablets in question were found to contain '*Diphenoxylate Hydrochloride*'. The petitioner approached the Learned Judge, Special Court, Ludhiana praying for grant of bail, however, finding no merit, the same was declined after hearing both the sides by Learned Judge, Special Court, Ludhiana vide order dated 25.10.2023. Aggrieved by the same, the petitioner approached this Court praying for grant of bail by way of present petition.

3. Learned counsel for the petitioner has contended that the petitioner has been falsely implicated in the present case. She submits that there is a violation of mandatory provisions of Sections 50 and 42 of NDPS Act. Learned counsel for the petitioner prays for grant of bail on the basis of parity with that of the co-accused. She has drawn the attention of this Court to the order passed by the Coordinate Bench of this Court in **CRM-M No.19240 of 2024** dated 10.12.2024, whereby co-accused of the petitioner, namely, Jaswinder Singh @ Sukhwinder Singh has been granted the concession of bail. She has submitted that case of the petitioner is at par with the co-accused, who has been granted bail by this Court. She has submitted that the petitioner is in custody since 07.03.2023 and thus on the basis of the parity, the petitioner deserves to be granted bail as case of the petitioner is similar to that of the co-accused, who has already been granted bail by this Court.

4. Custody certificate of the petitioner dated 24.03.2025 has been filed by learned State counsel today in the Court and the same is taken on record. Copy thereof has been supplied to learned counsel for the petitioner.

5. Learned counsel for the State although has opposed the prayer of the petitioner for granting him bail yet endorsed the fact that the



case of petitioner is at par with the co-accused, namely, Jaswinder Singh @ Sukhwinder Singh, who has already been granted bail by this Court. He further submits as per the FSL report, the total weight of the intoxicant tablets was 56.7 grams, which is marginally higher than the commercial quantity and thus provisions of Section 37 of NDPS Act, are attracted. He has further submitted that out of total 13 prosecution witnesses only 01 witness has been examined so far. He submits that the petitioner has suffered incarceration of 02 years and 15 days as on 24.03.2025.

6. After hearing counsel for the parties and perusing the record, it is deciphered from the facts of the case that the petitioner is in custody since 07.03.2023 and has suffered incarceration of 02 years and 15 days as on 24.03.2025. Out of total 13 prosecution witnesses only 01 witness has been examined so far. Custody certificate reflects that the petitioner was punished by the Superintendent Jail, for the jail offence, however, he is not involved in any other case under the NDPS Act. It has not been denied that case of the petitioner is at par with the co-accused, who has already been enlarged on bail by this Court passed vide order dated 10.12.2024 in **CRM-M No.19240 of 2024**.

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. 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 also the fact that the trial of the case will take sufficient time for its conclusion and no useful purpose would be served by keeping the petitioner in custody for any further period when his co-accused has already been granted bail by this Court, 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 on the basis of parity with the co-accused as stated above. 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.

25.03.2025
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(RAJESH BHARDWAJ)
JUDGE

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