

CRM-M-14327-2025

-1-

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

CRM-M-14327-2025

Date of Decision: 25.08.2025

Saimble Ram @ Saimble
Versus

..... Petitioner

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

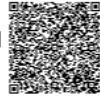
Present: Mr. R.K. Singla, Advocate, for the petitioner.

Ms. Simran Gorla, AAG, Punjab.

Rajesh Bhardwaj, J. (ORAL)

1. Petitioner has approached by way of filing the present petition praying for grant of regular bail in case FIR No.328 dated 07.12.2024 under Sections 22, 21(b) of NDPS, 1985, registered at Police Station Phillaur, District Jalandhar Rural.

2. Succinctly, facts of the case are that on 07.12.2024, the police party while on patrolling, saw a man and a woman coming from village Burj Pukhta, who on seeking the police got perplexed and threw the bags being carried by them on their left side. On suspicion, they were stopped. On asking, they disclosed their names to be Saimble (petitioner) and Mamta. The bag/envelops thrown by them were searched and on searching 05 strips each containing 10 intoxicating tablets were found in the bag thrown by the petitioner. So far, the bag thrown by Mamta was concerned, 10 grams of heroin was recovered. They failed to produce any licence regarding possession of the same and thus, on the registration of the FIR, they were arrested on the spot. The investigation commenced. Samples taken were sent to the FSL. The petitioner approached the Court of learned Judge, Special Court-IV, Jalandhar praying for grant of regular bail. However, after hearing both the sides, the learned Court finding no merit in the same, dismissed the

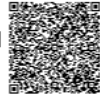


bail application filed by the petitioner vide order dated 05.02.2025. Hence, the petitioner has approached this Court praying for grant of regular bail by way of filing the present petition.

3. It has been vehemently contended by learned counsel for the petitioner that the petitioner has been falsely implicated in the present case. He submits that the alleged recovery has been effected from a public place, however, no independent witness has been joined. He submits that there is a violation of mandatory provisions of Section 50 of the NDPS Act. He submits that the petitioner has no criminal antecedents, he has never been involved in any other case except the present case, however, the recovery has been planted on him in a clandestine manner. He submits that co-accused Mamta has already been granted interim bail by learned trial Court till the receipt of report of Chemical Examiner. He submits that the petitioner is behind bars from the date of his arrest, however, there is no material progress in the trial. He submits that false implication of the petitioner is writ large and thus, in the facts and circumstances of the present case, he deserves to be granted regular bail.

4. *Per contra*, learned State counsel has vehemently opposed the submissions made by counsel for the petitioner. She has submitted that the recovery effected from the petitioner is 5.25 grams of Etizolam, which is commercial quantity and thus, provisions of Section 37 of the NDPS Act are attracted. On instructions, she has submitted that out of 14 prosecution witnesses, 02 witnesses have been examined so far. She has placed on record the custody certificate of the petitioner.

5. After hearing counsel for the parties and perusing the record, it



CRM-M-14327-2025

-3-

is deciphered that the petitioner is behind bars since the date of his arrest i.e. 07.12.2024. The alleged recovery weighs 5.25 grams of Etizolam, which is a commercial quantity. As submitted before this Court, 02 witnesses have been examined out of 14 prosecution witnesses. The custody certificate would show that the petitioner has suffered incarceration of 08 months & 13 days as on 23.08.2025. It further shows that the petitioner has no criminal antecedents.

6. 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

21it 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. This Court would refrain itself from commenting anything on the merits of the case. The trial of the case will take sufficient long time. Keeping in view the arguments raised by both the sides and perusing the record, 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.

8. 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.

9. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

(RAJESH BHARDWAJ)
JUDGE

25.08.2025

sharmila

Whether Speaking/Reasoned : Yes/No
Whether Reportable : Yes/No