



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-15095-2025
DECIDED ON: 07.04.2025

RANJIT SINGH ALIAS RANA

.....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Rishu Mahajan, Advocate
for the petitioner.

Mr. Jasjit Singh Rattu, DAG, Punjab.

SANDEEP MOUDGIL, J (ORAL)

1. Relief sought

The jurisdiction of this Court has been invoked for the forth time under Section 483 of BNSS, 2023 for grant of regular bail to the petitioner in FIR No.54, dated 06.03.2023, under Sections 21-C, 25 and 29 of NDPS Act, 1985, registered at Police Station Special Task Force, District STF Wing.

2. Prosecution story setup in the present case as per the version in the FIR as under:-

“Copy of ruga, "Station House Officer, Police Station S.T.F., S.A.S. Nagar (Mohali), Jai Hind. Today, I, ASI, alongwith SI Harpal Singh No. 1913/T.T., SI Sumeet Singh 35 CP/ASR, L/SI Gurwinder Kaur 40/BR, ASI Kashmir Singh No. 1684/CP/ASR, ASI Gurwinder Singh 383 Amritsar Rural, ASI Manpreet Singh 9/86, ASI Amanjiwanjot Singh. 4/93, ASI Shamsher Singh 3216/ASR, HC Jatinder Singh 3041/ASR.,

S/Ct Mohit Bedi No. 2265/BTL, HC Jagroop Singh 3869/ASR with Laptop, Printer on official vehicles Mahindra No. PB-65-AX-5414, driver of which is ASI-Harjit Singh 9/65, and Swift Dezire PB-65-AU-1184, driver of which is C2 Ajai Kumar 3267/ASR, were present near India Gate Atari Road Amritsar Police Station, that at about 03:10 PM, special informer came to me, ASI and gave information that Ved Masih @ Ved son of Satnam Singh, resident of Village Basarke Bhani, District Amritsar Rural and Ranjit Singh Rana son of Jaswant Singh resident of Village Bhakna Khurd, District Amritsar, together sell heroin on a large scale and supply it in Amritsar and nearby areas. Even now accused Ved Mash @ Ved son of Satnam Singh resident of above is waiting for his customers on his Hero Deluxe motorcycle No. PB-08-EV- 854 at Gurdwara Tahli Sahib near Attari Road Amritsar to supply heroin to his customers. If a raid is conducted right now, he can be apprehended with a large quantity of heroin. On which I, A.S.I., relieved the informant and informed the fellow employees about the information and after describing the outlook of the accused, reached the place mentioned by the informant with fellow employees. When I reached the place mentioned by the informer, a haircut young man was seen standing near a motorcycle branded Hero Deluxe No. PB-08-EV-5854, as per the description given by the special informer. He got on the motorcycle, started the motorcycle and started running away on seeing the police party in uniform. I, ASI, apprehended him with the help of fellow employees and asked his name and address. The young man apprehended told his name as Ved Masih @ Ved son of Satnam Singh resident of Village Basarke Bhani, District Amritsar. On which I, A.S.I., got identified myself to the young man apprehended as per law and told the entire situation to Sh. Vavinder Kumar, P.P.S./D.S.P., S.T.F., Border Range, Amritsar through mobile phone and requested him to reach on the spot. After about half an hour the D.S.P. along with his gunmen reached on the spot on a government vehicle. To whom I, A.S.I., made aware of the entire situation again. After being aware of the

situation, Sh. Vavinder Kumar, P.P.S./D.S.P., S.T.F. Border Range, Amritsar got himself introduced to apprehended young man Ved Mash@ Ved son of Satnam Singh resident of Village Basarke Baini, District Amritsar Rural, that I am Vivender Kumar, P.P.S., posted as D.S.P., S.T.F. Border Range, Amritsar. I am in uniform and have a name plate. I am a gazetted officer appointed by the Punjab government. I have received information that you and your motorcycle have heroin. Due to which you and your motorcycle need to be searched. But you have the legal right to get yourself and your motorcycle searched by a magistrate or any other gazetted officer. For which I can make an arrangement. On which accused VedMasih@ Ved son of Satnam Singh resident of Village BasarkeBhaini, District Amritsar, said that I have full faith in you. I want to get myself and my motorcycle searched in your presence. On which a consent memo was prepared separately. Accused VedMasih@ Ved above said signed the memo in Punjabi. Before conducting search of accused VedMasih @ Ved son. of Satnam Singh resident of Village BasarkeBhaini, District Amritsar Rural, I, A.S.I. to involve the witness from public in the police party but nobody was ready to join the police party due to fear of enmity. Then, as per the instructions of the D.S.P., I, A.S.I., conducted the searched of apprehended Ved Prakash @ Ved son of Satnam Singh resident of Village BasarkeBhani, District Amritsar Rural, then a heavy transparent polythene envelope was found from the waist belt of Ved Prakash @ Ved son of Satnam Singh resident of above said, in which heroin was clearly visible. Later, when the polythene envelope was opened and checked, heroin was found in it. I, A.S.I. weighed the recovered heroin on an electronic scale along with the polythene envelope. On weighing, the heroin in the polythene envelope was 500 grams. I, A.S.I., put it in a separate plastic box and prepared a cloth parcel. I, A.S.I., sealed the parcel with my seal with initials "HS" and Sh. Vavinder Kumar, D.S.P., sealed it with his initials "VK". Sample seal was prepared separately and I, A.S.I., seized the recovered heroin

weighing 500 grams in the parcel plastic box with seal "HS+VK" as a case property along with sample seal in police custody through a separate recovery memo. I, A.S. I. handed over my seal to ASI-Gurjinder Singh No. 383, Amritsar Rural, after using it and the D.S.P. kept his seal with himself after using it. Accused Ved Masih@ Ved son of Satnam Singh resident of Village Barke Bhani, District Amritsar Rural, has committed a cognizable offences under Section 21-C, 25, 29, 61, 85 N.D.P.S. Act by keeping 500 grams of heroin in his possession. A computer registered ruqa's being written against him and sent to you through mobile phone whatsapp and email ps.stf.police@punjabpolice.gov.in for registering a case. After registering the case, the number of the case should be informed to me, A.S.I. through mobile phone and on e-mail harjitkhehra68@gmail.com. Special reports be issued and sent to Illaqa Magistrate and senior officers, control room be informed. Even then original ruqa is being sent to Ct Mohit Bedi 2265/BTL to Police Station S.T.F., Mohali. After registration of case and original ruqa along with copy of be sent to me through employee arrived. I, A.S.I., along with fellow employees am busy in investigation on the spot."

3. **Contentions**

On behalf of the petitioner

Learned counsel for the petitioner contends that the petitioner is at parity with co-accused Deepak, who has already been granted the concession of regular bail by this Court vide order dated 11.07.2024 (Annexure P-3) passed in CRM-M-31746-2024. He further contends that nothing has been recovered from the conscious possession of the present petitioner. It has been contended on behalf of the petitioner that he is in custody since 10.03.2023, challan stands presented to Court on 28.08.2023

and charges have been framed on 10.10.2023 after the investigation is complete.

On behalf of the State

On the other hand, learned State counsel has produced the custody certificate of the petitioner today in Court, which is taken on record. He seeks dismissal of the instant petition on the ground that the petitioner is a habitual offender as he is involved in three other cases. He further submits that the quantity of recovered contraband i.e. 300 grams of heroin is commercial in nature.

4. **Analysis**

Be that as it may, considering the custody period i.e. 02 years and 25 days for which the petitioner has suffered incarceration; the petitioner is at parity with co-accused Deepak, who has already been granted the concession of regular bail by this Court vide order dated 11.07.2024 (Annexure P-3) passed in CRM-M-31746-2024 and the fact that nothing has been recovered from the conscious possession of the petitioner.

Also considering the fact that investigation is complete, challan stands presented to Court on 28.08.2023, charges have been framed on 10.10.2023 and out of total 17 prosecution witnesses, only 06 witnesses have been examined so far, which is suffice for this Court to infer that the conclusion of trial will take long time for which the petitioner cannot be detained behind the bars for an indefinite period.

Reliance can be placed upon the judgment of the Apex Court rendered in “***Dataram versus State of Uttar Pradesh and another***”, 2018(2) ***R.C.R. (Criminal) 131***, wherein it has been held that the grant of bail is a

general rule and putting persons in jail or in prison or in correction home is an exception. Relevant paras of the said judgment is reproduced as under:-

“2. A fundamental postulate of criminal jurisprudence is the presumption of innocence, meaning thereby that a person is believed to be innocent until found guilty. However, there are instances in our criminal law where a reverse onus has been placed on an accused with regard to some specific offences but that is another matter and does not detract from the fundamental postulate in respect of other offences. Yet another important facet of our criminal jurisprudence is that the grant of bail is the general rule and putting a person in jail or in a prison or in a correction home (whichever expression one may wish to use) is an exception. Unfortunately, some of these basic principles appear to have been lost sight of with the result that more and more persons are being incarcerated and for longer periods. This does not do any good to our criminal jurisprudence or to our society.

3. There is no doubt that the grant or denial of bail is entirely the discretion of the judge considering a case but even so, the exercise of judicial discretion has been circumscribed by a large number of decisions rendered by this Court and by every High Court in the country. Yet, occasionally there is a necessity to introspect whether denying bail to an accused person is the right thing to do on the facts and in the circumstances of a case.

4. While so introspecting, among the factors that need to be considered is whether the accused was arrested during investigations when that person perhaps has the best opportunity to tamper with the evidence or influence witnesses. If the investigating officer does not find it necessary to arrest an accused person during investigations, a strong case should be made out for placing that person in judicial custody after a charge sheet is filed. Similarly, it is important to ascertain whether the accused was participating in the investigations to the satisfaction of the investigating officer and was not absconding or not appearing when

required by the investigating officer. Surely, if an accused is not hiding from the investigating officer or is hiding due to some genuine and expressed fear of being victimised, it would be a factor that a judge would need to consider in an appropriate case. It is also necessary for the judge to consider whether the accused is a first-time offender or has been accused of other offences and if so, the nature of such offences and his or her general conduct. The poverty or the deemed indigent status of an accused is also an extremely important factor and even Parliament has taken notice of it by incorporating an Explanation to section 436 of the Code of Criminal Procedure, 1973. An equally soft approach to incarceration has been taken by Parliament by inserting section 436A in the Code of Criminal Procedure, 1973.

*5. To put it shortly, a humane attitude is required to be adopted by a judge, while dealing with an application for remanding a suspect or an accused person to police custody or judicial custody. There are several reasons for this including maintaining the dignity of an accused person, howsoever poor that person might be, the requirements of Article 21 of the Constitution and the fact that there is enormous overcrowding in prisons, leading to social and other problems as noticed by this Court in *In Re-Inhuman Conditions in 1382 Prisons*, 2017(4) RCR (Criminal) 416: 2017(5) Recent Apex Judgments (R.A.J.) 408 : (2017) 10 SCC 658*

*6. The historical background of the provision for bail has been elaborately and lucidly explained in a recent decision delivered in *Nikesh Tara chand Shah v. Union of India*, 2017 (13) SCALE 609 going back to the days of the Magna Carta. In that decision, reference was made to *Gurbaksh Singh Sibbia v. State of Punjab*, (1980) 2 SCC 565 in which it is observed that it was held way back in *Nagendra v. King-Emperor*, AIR 1924 Calcutta 476 that bail is not to be withheld as a punishment. Reference was also made to *Emperor v. Hutchinson*, AIR 1931 Allahabad 356 wherein it was observed that grant of bail is the rule and refusal is the*

exception. The provision for bail is therefore age-old and the liberal interpretation to the provision for bail is almost a century old, going back to colonial days.

7. However, we should not be understood to mean that bail should be granted in every case. The grant or refusal of bail is entirely within the discretion of the judge hearing the matter and though that discretion is unfettered, it must be exercised judiciously and in a humane manner and compassionately. Also, conditions for the grant of bail ought not to be so strict as to be incapable of compliance, thereby making the grant of bail illusory.”

Therefore, to elucidate further, this Court is conscious of the basic and fundamental principle of law that right to speedy trial is a part of reasonable, fair and just procedure enshrined under Article 21 of the Constitution of India. This constitutional right cannot be denied to the accused as is the mandate of the Apex court in “**Hussainara Khatoon and ors (IV) v. Home Secretary, State of Bihar, Patna**”, (1980) 1 SCC 98. Besides this, reference can be drawn upon that pre-conviction period of the under-trials should be as short as possible keeping in view the nature of accusation and the severity of punishment in case of conviction and the nature of supporting evidence, reasonable apprehension of tampering with the witness or apprehension of threat to the complainant.

As far as the pendency of other cases and involvement of the petitioner in other cases is concerned, reliance can be placed upon the order of this Court rendered in CRM-M-25914-2022 titled as “**Baljinder Singh alias Rock vs. State of Punjab**” decided on 02.03.2023, wherein, while referring Article 21 of the Constitution of India, this Court has held that no doubt, at the time of granting bail, the criminal antecedents of the petitioner

are to be looked into but at the same time it is equally true that the appreciation of evidence during the course of trial has to be looked into with reference to the evidence in that case alone and not with respect to the evidence in the other pending cases. In such eventuality, strict adherence to the rule of denial of bail on account of pendency of other cases/convictions in all probability would land the petitioner in a situation of denial of concession of bail.

5. **RELIEF:**

In view of the discussions made hereinabove, the petitioner is hereby directed to be released on regular bail on him furnishing bail and surety bonds to the satisfaction of the trial Court/Duty Magistrate, concerned.

In the afore-said terms, the present petition is hereby allowed.

However, it is made clear that anything stated hereinabove shall not be construed as an expression of opinion on the merits of the case.

07.04.2025

Poonam Negi

**(SANDEEP MOUDGIL)
JUDGE**

*Whether speaking/reasoned
Whether reportable*

*Yes/No
Yes/No*