



CRM-M-15905-2025

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

CRM-M-15905-2025

Date of Decision: 30.04.2025

Bobby Singh

..... Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Laghuinder Singh Sekhon, Advocate, for the petitioner.
 Mr. J.S. Arora, DAG, Punjab.

Rajesh Bhardwaj, J. (ORAL)

1. Petitioner has approached this Court by way of present fourth petition praying for granting regular bail in case FIR No.26 dated 18.04.2023 under Section 21, 22 and 29 of NDPS Act, 1985, registered at Police Station Bhadaur, District Barnala.

2. Succinctly, facts of the case are that FIR in the present case was lodged on the allegation that the police party while on patrolling on 18.04.2023, spotted a person sitting at Bus Stand, who was carrying a small carry bag. On suspicion, the police asked his identity and he disclosed his name, as Mandar Singh @ Mindi. He was suspected to be carrying some intoxicants in the envelope and thus, on search of the same, he was found to be carrying 20 grams of heroin in the same. He failed to produce any licence regarding possession of the same and thus, the FIR was registered and he was arrested on the spot. During the investigation, he made a disclosure statement about co-accused Ramandeep Singh @ Ramma on 20.04.2023 and thus, Ramandeep Singh @ Ramma was arrayed as an accused and arrested. Thereafter, disclosure statement of Ramandeep Singh @ Ramma was recorded on 27.07.2023, wherein, he named petitioner Bobby Singh having



involved in the business of selling heroin. Thus, the petitioner was also arrayed as an accused and was arrested on 03.05.2024, however, no recovery was made from him. The petitioner approached the Court of learned Judge, Special Court, Barnala 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 08.07.2024. Thereafter, the petitioner approached this Court thrice praying for grant of regular bail, however, all the bail petitions were dismissed as withdrawn or dismissed by this Court. Hence, the petitioner has again approached this Court praying for grant of regular bail by way of filing the present fourth petition.

3. It has been vehemently contended by learned counsel for the petitioner that the petitioner has been falsely and frivolously implicated in the present case. He submits that the petitioner has been roped in the present case on the basis of the disclosure statement of co-accused, Ramandeep Singh @ Ramma. It is submitted that even from co-accused Mandar Singh @ Mindi alleged recovery falls under the non-commercial quantity. He submits that it was co-accused Ramandeep Singh @ Ramma who made disclosure about the complicity of the petitioner on 27.07.2023, whereas, the petitioner was arrested on 03.05.2024. He submits that it is an admitted case of the prosecution that no recovery was effected from the petitioner. He, thus, submits that once there is no recovery effected from the petitioner, his further incarceration is totally unwarranted. He submits that the petitioner has almost completed one year behind the bars, however, there is no progress in the trial. He further submits that though the petitioner is facing in



two more cases, however, he is on bail in those cases, but due to non-furnishing of bail bonds, he is behind bars. He, thus, submits that in the facts and circumstances of the case, the petitioner deserves to be granted bail.

4. Per contra, learned State counsel has opposed the submissions made by counsel for the petitioner. He has submitted that complicity of the petitioner was found during the interrogation of co-accused Ramandeep Singh @ Ramma from whom contraband falling under the commercial quantity was recovered, thus, the provision of Section 37 of the NDPS Act are attracted in the present case. However, on instructions from SI Malkit Singh, he submits that no recovery was effected from the petitioner. It is submitted that investigation is complete and challan is presented, however, out of total 10 prosecution witnesses, no witness has been examined so far. He has placed on record the custody certificate of the petitioner.

5. After hearing counsel for the parties and perusing the record, it is inferred that the petitioner in the present case has been arrayed as an accused on the basis of disclosure statement of co-accused Ramandeep Singh @ Ramma on 27.07.2023, whereas, the petitioner was arrested on 03.05.2024. No recovery has been effected from the petitioner. The custody certificate reflects that he has suffered incarceration of 11 months & 26 days as on 29.04.2025. It further reflects that the petitioner is facing prosecution in two more cases under the NDPS Act, but he has been granted bail in those cases, however, due to non-furnishing of bail bonds he is behind bars in that cases. Out of total 10 prosecution witnesses, no witness has been examined.

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.

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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.

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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. It is being clarified that in case the petitioner does not furnish bail/surety bonds within a period of one week from today, his custody will not be counted in the present case after one week.
10. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

30.04.2025

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(RAJESH BHARDWAJ)

JUDGE

Whether Speaking/Reasoned :

Whether Reportable :

Yes/No

Yes/No