



CRM-M-17924-2025

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

CRM-M-17924-2025

Date of Decision: 06.05.2025

Raj Singh @ Raju

..... Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Laghuinder Singh Sekhon, Advocate and
Ms. Nidhi, Advocate, for the petitioner.

Mr. J.S. Arora, DAG, Punjab.

Rajesh Bhardwaj, J. (ORAL)

1. Petitioner has approached this Court by way of present petition praying for granting regular bail in a case FIR No.32 dated 15.04.2021 under Sections 22 and 29 of the NDPS Act, 1985, at Police Station Chhajali, District Sangrur.

2. Succinctly, facts of the case are that on 15.04.2021, the police party while on patrolling received a secret information to the effect that Meeto wife of Labh Singh @ Labbu is habitual of selling narcotic tablets and her son Raju supplies the same to her. It was informed that on that day also she was to go to Sunam via village Neelowal on foot to sell the contraband and in case of barricading, she could be arrested alongwith the contraband. On finding the secret information reliable, a raiding team was constituted and barricading was done. A lady was seen coming who was having a plastic bag on her head, however, on seeing the police, she got perplexed and threw the plastic bag on the ground and tried to escape. However, she was apprehended and on asking she disclosed her named as Meeto wife of Labh Singh @ Labbu. The bag thrown by her was searched. On conducting search 22000 tablets of Tramadol were recovered. She failed to produce any licence regarding the possession of the same. Hence, the FIR



was registered and she was arrested on the spot. On registration of the FIR, the investigation commenced. During the investigation, she disclosed about the involvement of her son Raj Singh @ Raju (petitioner) that the contraband was supplied by him. Hence, the petitioner was also arrayed as an accused and was arrested on 24.04.2022. The petitioner approached the Court of learned Judge, Special Court, Sangrur 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 01.12.2022. Thereafter, the petitioner approached this Court praying for grant of regular bail before this Court by way of filing CRM-M-60022-2022, which was allowed to be dismissed as withdrawn vide order dated 02.02.2024. Hence, the petitioner has again approached this Court praying for grant of regular bail by way of filing the present second petition.

3. It has been vehemently contended by learned counsel for the petitioner that the petitioner has been roped in the present case in a due deliberated manner. He submits that the petitioner is facing prosecution in other cases as well and it is on account of the same, the petitioner and his mother have been implicated in the present case. He submits that though name of the petitioner was mentioned in the secret information, however, neither any recovery was effected from him nor he was arrested on spot. He submits that there is a violation of mandatory provisions of Section 42 of the NDPS Act while effecting the alleged recovery. He submits that even otherwise in the present case, the petitioner arrested on the basis of the disclosure statement of the co-accused, which is not an admissible evidence. He submits that the petitioner is behind bars from the last more than three



years, however, the prosecution has not been able to conclude the trial. He submits that fundamental right of the petitioner of speedy trial has also been defeated. He, thus, submits that in the overall facts and circumstances of the case, the petitioner deserves to be granted bail.

4. Per contra, learned State counsel has vehemently opposed the submissions made by counsel for the petitioner. He has submitted that the petitioner is a habitual offender, who has not only been prosecuted in other cases, but he has been convicted as well. He submits that after registration of the FIR, the petitioner was declared a proclaimed offender and could be arrested only after one year of the registration of the FIR. He submits that the 22000 tablets of tramadol were recovered from co-accused, which falls under the commercial quantity and thus, provisions of Section 37 of the NDPS Act are attracted. He submits that co-accused i.e. mother of the petitioner has been convicted and she is behind bars. He has placed on record the custody certificate of the petitioner on record. On instructions from ASI Jagsir Singh, he has submitted that out of 13 prosecution witnesses, 07 witnesses have been examined.

5. After hearing counsel for the parties and perusing the record, it is deciphered that the FIR in the present case has been registered on the basis of the secret information. Co-accused i.e. mother of the petitioner was arrested alongwith the contraband and it was thereafter, on her disclosure, the petitioner was arrested on 24.04.2022. Out of total 13 prosecution witnesses, 07 witnesses have been examined. The custody certificate reflects that the petitioner has suffered incarceration of 03 years & 11 days as on 05.05.2025. It further reflects that the petitioner has been prosecuted in 15



other cases. It further reflects that there are other cases pending against the petitioner. Pendency of the other cases in itself cannot be a ground for the rejection of the bail of the petitioner. Petitioner is behind bars from the last more than three years. Speedy trial is the fundamental right of every accused.

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.

(RAJESH BHARDWAJ)
JUDGE

06.05.2025

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