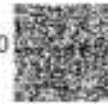


CRM-M-19489-2025  
CRM-M-20712-2025  
CRM-M-38119-2025

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2025.PHHC.121900



221+223+225 (03 cases)

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

1. CRM-M-19489-2025

Ramesh .....Petitioner

**versus**

State of Haryana ..... Respondent

2. CRM-M-20712-2025

Raj Kaur .....Petitioner

**versus**

State of Haryana ..... Respondent

3. CRM-M-38119-2025

Nimmo .....Petitioner

**versus**

State of Haryana ..... Respondent

**Date of decision : 08.09.2025**

**CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ**

Present :- Mr. Kuldeep Singh Siwach, Advocate  
for the petitioner in all petitions.

Ms. Diya Sodhi, Sr. D.A.G., Haryana.

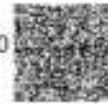
**RAJESH BHARDWAJ, J. (Oral)**

1. By way of this common order, this Court intend to dispose of abovesaid three petitions as they have arisen out of the same FIR.

2. Petitioners have approached this Court by way of present petitions praying for granting them regular bail in case FIR No.301 dated 04.09.2024, under Sections 15-C, 29 & 27-A of Narcotic Drugs and Psychotropic Substances Act, 1985 registered at Police Station Bhuna, District Fatehabad.



3. Succinctly, the facts of the present case are that the police party, while on patrolling on 04.09.2024, received a secret information to the effect that Ramesh, Nimmo and Raj Kaur were involved in selling of poppy husk. It was informed that they would come in a white coloured Skoda car bearing No.HR-51-AS-7492 and would bring poppy husk from Rajasthan and in case the barricading is laid at Agroha Bhuna road, they could be arrested along with the contraband. On receiving the information, a raiding team was constituted and the barricading was laid at the place as disclosed by the informer. As informed, a similar car was seen coming. The inmates of the car, on asking disclosed their names to be Ramesh, Nimmo and Raj Kaur. They were suspected to be carrying some contraband in the car and thus, search of the Car was conducted. On conducting the search, 05 bags, each weighing 16 Kgs of poppy husk, were recovered and thus, total 80 kgs of poppy husk was recovered from the car. They failed to produce any licence regarding the conscious possession of the same and thus, FIR was registered and they were arrested on the spot. On registration of the FIR, the investigation commenced. Samples taken were sent to the FSL. On completion of investigation, challan was presented and on framing of charges, the trial commenced. They approached the learned Special Judge (Fast Track under NDPS Act), Fatehabad for grant of bail. However, after hearing both the sides and finding no merit in the same, the learned Special Judge (Fast Track under NDPS Act), Fatehabad declined bail applications of Ramesh and Raj Kaur vide order dated 20.03.2025 and bail application of Nimmo vide order dated 12.03.2025. Aggrieved by the same, petitioner-Nimmo approached this Court earlier by way of filing of CRM-M-20230-



2025, however, the same was dismissed as withdrawn vide order dated 24.04.2025. Hence, she again approached this Court by way of filing of present second petition for grant of bail. However, petitioners, namely, Ramesh and Raj Kaur are before this Court praying for the grant of bail by way of filing the present first petition.

4. Learned counsel for the petitioners has vehemently contended that the petitioners have been falsely implicated in the present case. It has been submitted that case of the prosecution is based on the secret information but there is violation of mandatory provision of Section 42 of NDPS Act. He submits that for conducting the search, compliance of Section 50 of NDPS Act, was mandatory, however, there is violation of the same as well. He submits that the alleged recovery is from the public place, however, no independent witness was joined by the investigating agencies. To buttress his arguments, he has submitted that the petitioners are not even the owner of the car from which the alleged recovery has been effected. He submits that the petitioners are behind bars from the date of their arrest, however, there is no material progress in the trial. It is submitted that petitioner-Nimmo has no criminal antecedents whereas, petitioners, namely, Ramesh and Raj Kaur are involved in 02 more cases, however, they are on bail in those cases. He thus, submit that in the facts and circumstances the petitioners deserve to be granted bail.

5. Learned State counsel, on instructions, has opposed the submissions made by the counsel for the petitioners and submits that the petitioners are specifically named in the secret information. On conducting the search of the car, 80 kgs of poppy husk were recovered, which is a commercial quantity and thus, provisions of Section 37 of



NDPS Act, are attracted in the present case. She has produced the custody certificates of the petitioners in the Court and submits that petitioners, namely, Ramesh and Raj Kaur are involved in 02 more cases. She, on instructions, has submitted that out of total 23 prosecution witnesses, only 03 witnesses have been examined so far.

6. On hearing counsel for the parties and perusing the record, it is deciphered that the FIR was registered on the basis of secret information. The petitioners are behind bars since the date of their arrest. The alleged recovery is of 80 kgs of poppy husk, which falls under the commercial category. As submitted before this Court, out of total 23 prosecution witnesses, only 03 have been examined so far. As per the custody certificates, petitioners-Nimmo and Raj Kaur have suffered an incarceration of 01 year and 04 days as on 08.09.2025 and petitioner-Ramesh has suffered an incarceration of 11 months and 27 days as on 05.09.2025. Needless to say that every accused has the fundamental right of speedy trial.

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”<sup>22</sup> (also see Donald Clemmer’s ‘The Prison Community’ published in 1940<sup>23</sup>). 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.

9. This Court would refrain itself from commenting anything on the merits of the case. Thus, keeping in view the overall facts and circumstances of the case, this Court is of the opinion that learned counsel for the petitioners succeed in making out a case for grant of regular bail. Accordingly, the petitions are allowed. Petitioners are ordered to be released on bail on their 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.

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|---------------------------|---------------------|
|                           | ( RAJESH BHARDWAJ ) |
|                           | JUDGE               |
| 08.09.2025                |                     |
| ps-I                      |                     |
| Whether speaking/reasoned | : Yes/No            |
| Whether reportable        | : Yes/No            |