

2025:PHHC:102182



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

CRM-M-20647-2025
Date of Decision: 07.08.2025

Ranjit Singh @ Gora

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Baljinder Singh Singhvi, Advocate, for the petitioner.

Ms. Simran Goria, AAG, Punjab.

RAJESH BHARDWAJ, J. (ORAL)

1. Petitioner has approached this Court by way of present 3rd petition praying for granting regular bail in case FIR No.221 dated 04.10.2023 under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 and Section 25 of the Arms Act, 1959 registered at Police Station Dharamkot, District Moga.

2. Succinctly, facts of the case are that on 04.10.2023, while the police party was on patrolling, received a secret information to the effect that Sukhwinder Singh @ Happy and Ranjit Singh @ Gora (petitioner) both are engaged in selling of intoxicant tablets. It was informed that today they are traveling in a car make Swift bearing registration number PB 29AE 4398, white colour from village Lohgarh side to Dharamkot along with the illegal weapon as well. In case, barricading is done, they could be arrested along with contraband and the illegal arms. On finding the secret information reliable, raiding party was constituted and barricading was done and the car as disclosed was seen and it was signaled to be stopped. On seeing the police, the accused

got perplexed and tried to escape, however, the car was got stopped by the police party. Two persons were found in the car. On asking, the person who was driving the car disclosed his name as Sukhwinder Singh @ Happy and the another person sitting next to the driver's seat disclosed his name as Ranjit Singh @ Gora (petitioner). They were suspected to be carrying some contraband. After giving offer for the personal search, the same was conducted and a black envelope placed near the gear knob of the car was found containing 100 loose intoxicant tablets of Etizolam. On further search of the car, one country made pistol of .315 bore and two live cartridges were recovered. They failed to produce any licence regarding possession of the same. Hence, they were arrested on the spot and on registration of the FIR, the investigation commenced and recovered substance was sent to the FSL lab and the challan was presented. On framing of charges, the trial commenced. The petitioner approached the Court of Ld. Judge, Special Court, Moga 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 13.02.2024. Thereafter, he has approached this Court by way of filing CRM-M-38482-2024 (Annexure P-6) and CRM-M-62920-2024 (Annexure P-7), which were dismissed as not pressed at that stage on 19.09.2024 and 19.12.2024, respectively. Hence, the petitioner has approached this Court praying for grant of bail by way of filing the present 3rd petition.

3. It has been contended by learned counsel for the petitioner that the petitioner has been falsely and frivolously roped in the present case. He submits that the alleged recovery had been effected from a public place, however, no independent witness has been joined. He further submits that there is violation of provisions of Sections 42 and 50 of the NDPS Act. To buttress

his arguments, he submits that the petitioner has no criminal antecedents and the petitioner is behind bars since the date of his arrest but there is no progress in the trial. He submits that the petitioner has completed incarceration of 01 year and 10 months as on 06.08.2025. He, thus, submits that in view of 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. She submits that the petitioner was specifically named in the secret information and thereafter, he was arrested on the spot. Recovery had been effected from the car in which they were traveling. She further submits that recovery of 100 loose tablets (each tablet having average weight of 130 mg) containing 13 grams Etizolam and one country made pistol of .315 bore and two live cartridges was effected from the petitioner, which falls under the commercial quantity, hence, provisions of Section 37 of the NDPS Act are attracted. On instructions, she submits that out of total 15 prosecution witnesses, only 02 have been examined till date. She has placed on record custody certificate of the petitioner.

5. After hearing counsel for the parties and perusing the record, it is deciphered that FIR has been registered on the basis of the secret information. The petitioner is behind bars since 04.10.2023. Out of total 15 prosecution witnesses, only 02 have been examined so far. The custody certificate would reflect that the petitioner has suffered incarceration of 01 year and 10 months as on 06.08.2025. It further reflects that the petitioner has no criminal antecedents, however, learned State counsel submits that there is one more case registered against him. The trial of the case is likely to take sufficient time. Speedy trial is the 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. Thus, keeping in view the arguments raised by both the sides, 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.

07.08.2025
Parveen kumar

(RAJESH BHARDWAJ)
JUDGE

Whether speaking/reasoned :Yes/No
Whether reportable :Yes/No