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

**CRM-M No.24046 of 2025
Date of decision : 04.08.2025**

Ranjit Singh @ Hawa**.....Petitioner****versus****State of Punjab****..... Respondent****CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ***********

Present :- Mr. Gaurav Kalsi, Advocate
for the petitioner.

Ms. Simran Gorla, Asstt. A.G., Punjab.

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

1. Present second petition has been filed praying for the grant of regular bail to the petitioner in case bearing FIR No.177, dated 24.09.2023 under Sections 21-C, 29 of NDPS Act, 1985, registered at Police Station Lopoke, District Amritsar.

2. Succinctly the facts of the case are that on 24.09.2023, the police party while on patrolling saw a person coming on foot. On seeing the police party, he got perplexed and turned back and started walking. On suspicion, he was apprehended and on asking, he disclosed his name as Ranjit Singh @ Hawa (petitioner). He was suspected to be carrying some contraband. After giving the offer, the search was conducted. On conducting the search, 254 grams heroin was recovered from the polythene found in the right pocket of his pant. He failed to produce any



licence regarding the conscious possession of the same. Hence, the FIR was registered and he was arrested on the spot. On registration of the FIR, the investigation commenced. On completion of the investigation, the challan was presented. On framing of charges, the trial commenced. The petitioner approached the Court of Ld. Judge, Special Court, Amritsar praying for grant of regular bail, however, after hearing both the sides and finding no merit in the same, the learned Judge, Special Court, Amritsar, dismissed the bail application filed by the petitioner vide order dated 03.01.2024. Being aggrieved, the petitioner earlier approached this Court by way of filing CRM-M No.19319 of 2024, however the same was dismissed vide order dated 23.10.2024. Hence being aggrieved, the petitioner is before this Court praying for the grant of bail by way of filing the present second 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 has submitted that there is a violation of mandatory provisions of NDPS Act. He has submitted that the Investigating Agencies have not joined any independent witness whereas the alleged recovery is from a public place. He has submitted that till date, no prosecution witness has been examined. He has submitted that the petitioner is behind bars since the date of his arrest, i.e. 24.09.2023. He has submitted that co-accused of the petitioner, namely, Jaspal Singh @ Ghugi has already been granted the concession of bail by this Court vide order dated 23.07.2025 passed in CRM-M No.20139 of 2025. He has submitted that the recovery effected from the petitioner is marginally above the commercial quantity. He has submitted that in the facts and circumstances, the petitioner deserves to be



granted regular bail.

4. *Per contra*, learned State counsel has opposed the submissions made by counsel for the petitioner. She has submitted that the petitioner was specifically named in the FIR. She has submitted that in the present case, total quantity of recovered contraband from the petitioner is 254 grams heroin, which is commercial in nature and thus the provisions of Section 37 of NDPS Act are attracted. She has submitted that out of total 11 prosecution witnesses, no witness has been examined so far. She has endorsed the fact that the co-accused has already been granted bail by this Court vide order dated 23.07.2025. She has placed on record the custody certificate of the petitioner. She has submitted that the petitioner is involved in 04 other cases.

5. Heard.

6. After hearing learned counsel for the parties and perusing the record, it is deciphered that the petitioner is behind bars since the date of his arrest, i.e. 24.09.2023. The recovery effected from the petitioner is 254 grams of heroin, which is marginally above the commercial quantity. Co-accused of the petitioner has already been granted bail by this Court vide order dated 23.07.2025. Out of total 11 prosecution witnesses, no witness has been examined till date. Custody certificate produce would show that the petitioner has suffered incarceration of 01 year, 10 months & 06 days as on 02.08.2025. It further reflects that the petitioner is involved in 04 other cases, in 02 of the cases, he is on bail.

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"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.”

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. Keeping in view the arguments raised by both the sides and perusing the record, the Court is of the opinion that learned counsel for the petitioner succeeds in making out a case for the grant of bail. Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on her 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. However, if the petitioner does not furnish the bail bonds within seven days from today, then his further custody period after one week will not be counted in this case.

04.08.2025
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(RAJESH BHARDWAJ)
JUDGE

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