



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-26664-2025
DECIDED ON: 21.05.2025

JEET RAM ALIAS JEETA ALIAS KALU

.....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Ms. Harnaaz Kaur Hundal, Advocate
for the petitioner.

Mr. Rajiv Verma, Sr. DAG, Punjab.

SANDEEP MOUDGIL, J (ORAL)

1. **Relief sought**

The jurisdiction of this Court has been invoked Section 483 of the Bharatiya Nagarik Suraksha Sanita, for grant of Regular Bail, to the Petitioner Jeet Ram @ Jeeta @ Kalu, in case arising out of FIR no. 67 dated 16.06.2024, registered under Sections 22 (c) and 29 of the NDPS Act, 1985 by the police of PS Bhogpur, District Jalandhar Rural, Punjab. (Translation of the FIR is Annexure P-1).

2. Prosecution story setup in the present case as per the version in the FIR as under:-

“To the SHO, PS Bhogpur, Jai Hind. Today I, ASI, along with ASI Kuldeep Kumar 1795, ASI Jaswinder Singh 440, ASI Paramjit Singh 409, S/CT Lovepreet Attri 1488, were riding on govt. vehicle Bolero no. PB-08-DS-0860 which was driven by ASI Paramjit Singh 409 in connection with patrolling of

the area and checking of suspicious persons and we reached Village Kingra Chowala after passing through Village Ghodawahi when a person could be seen standing in the street on the eastern side of Shinda Karyana Store. He was holding a heavy black plastic bag in his right hand and who was startled upon seeing the Police party and he threw the carry bag from his hand to one side of the street and he himself started quickly running into the street and who was apprehended on the basis of suspicion by me, ASI, along with fellow personnel. He was asked for his name and address and he gave it as Jeet Ram alias Jeeta alias Kalu s/o Joginder Pal I/o Village Kingra Chowala, P.S. Bhogpur District Jalandhar. I, ASI apprised him of my name, rank and place of posting and before searching the carry bag thrown by him into the street, the Police made every possible effort to join a public witness into the Police party, but nobody was willing to join the Police and kept going away after expressing their inability. Upon which I, ASI, in the presence of fellow personnel, picked up the carry bag from the street which was thrown by Jeet Ram mentioned above and duly searched it and from the plastic carry bag, light yellow coloured loose intoxicant tablets were recovered, regarding which Jeet Ram mentioned above was unable to produce any bill or medical prescription. Then the above mentioned recovered tablets were counted, which were 260 in number, which were put back into the black plastic carry bag and placed in a container and separate parcel was prepared which was sealed by me, ASI, with my letter stamp PS. Sample of stamp was prepared separately. Stamp after use was handed over to ASI Kuldeep Kumar 1795. The sealed parcel of 260 loose intoxicant tablets stamped PS along with sample stamp were taken into Police possession vide separate recovery memos as evidence. In this manner, Jeet Ram alias Jeeta alias Kalu mentioned above has, by keeping in his possession 260 intoxicant tablets, committed an offence under section 22-61-85 NDPS Act. Upon which this ruga is being scribed and sent by hand through S/CT Lovepreet Attri 1488 to the PS for

registering a case. Case be registered, case no. be informed. Special Reports be issued. Senior officers and control room be informed. I, ASI, along with fellow personnel, am busy at the spot in investigation. Sd/- Paramjit Singh ASI, I/C PP Pachranga at Ladhran, P.S. Bhogpur, dt. 16.06.2024. Today in the area of village Kingra Chowala at 09.50 AM. (Lati 31.505113, longi: 75.659193).”

3. **Contentions**

On behalf of the petitioner

Learned counsel for the petitioner has produced a prescription slip of Punjab Health Systems Corporation dated 14.05.2025, which is taken on record as Document A and the same is taken on record, which reflects that haemoglobin level has dropped to a critically low 2.8 gm, which is life-threatening, for which the advice has been given by the Doctors for blood infusion. On merits, the case involves the alleged recovery of 260 loose tablets of Etizolam from the present petitioner, who claims false implication, alleging that the contraband was planted upon him by the police.

On behalf of the State

On the other hand, learned State counsel has produced the custody certificate of the petitioner today in Court, which is taken on record. He opposes the present petition, arguing that the petitioner does not require urgent medical attention at this stage and may be considered for interim regular bail, but not absolute regular bail. He further submits that the police authorities will ensure the petitioner receives the necessary medical treatment, including blood infusion, while remaining in custody. He further submits that the petitioner is a habitual offender as he is involved in two other cases.

4. Analysis

Be that as it may, this Court do not find any justification in the arguments raised on behalf of the State as the gravity of offence is not such as to warrant the continued incarceration of the petitioner, who, as per the medical slip, is actually suffering from critically low haemoglobin levels which is dangerous to human life and proper medication and care not only through medicine but with diet as well is required to maintain good health. The right to health and medical care is a fundamental right of every individual, including an accused, as guaranteed under Article 21 of the Constitution of India. Also, considering the custody period undergone by the petitioner i.e. 09 months and 01 day added with the factor of medical ailment pointed out by medical prescription slip dated 14.05.2025.

In the instant case, investigation is complete, wherein after framing of charges on 03.10.2024 out of total 11 prosecution witnesses, 03 witnesses have been examined and 01 witness have been given up, which is suffice for this Court to infer that the conclusion of trial shall take considerable time, this Court is of the considering view that detaining the petitioner behind the bars for an indefinite period would serve no purpose.

Reliance can be placed upon the judgment of the Apex Court rendered in “***Dataram versus State of Uttar Pradesh and another***”, 2018(2) ***R.C.R. (Criminal) 131***, wherein it has been held that the grant of bail is a general rule and putting persons in jail or in prison or in correction home is an exception. Relevant paras of the said judgment is reproduced as under:-

“2. A fundamental postulate of criminal jurisprudence is the presumption of innocence, meaning thereby that a person is believed to be innocent until found guilty. However, there are instances in our criminal law where a reverse onus has been

placed on an accused with regard to some specific offences but that is another matter and does not detract from the fundamental postulate in respect of other offences. Yet another important facet of our criminal jurisprudence is that the grant of bail is the general rule and putting a person in jail or in a prison or in a correction home (whichever expression one may wish to use) is an exception. Unfortunately, some of these basic principles appear to have been lost sight of with the result that more and more persons are being incarcerated and for longer periods. This does not do any good to our criminal jurisprudence or to our society.

3. There is no doubt that the grant or denial of bail is entirely the discretion of the judge considering a case but even so, the exercise of judicial discretion has been circumscribed by a large number of decisions rendered by this Court and by every High Court in the country. Yet, occasionally there is a necessity to introspect whether denying bail to an accused person is the right thing to do on the facts and in the circumstances of a case.

4. While so introspecting, among the factors that need to be considered is whether the accused was arrested during investigations when that person perhaps has the best opportunity to tamper with the evidence or influence witnesses. If the investigating officer does not find it necessary to arrest an accused person during investigations, a strong case should be made out for placing that person in judicial custody after a charge sheet is filed. Similarly, it is important to ascertain whether the accused was participating in the investigations to the satisfaction of the investigating officer and was not absconding or not appearing when required by the investigating officer. Surely, if an accused is not hiding from the investigating officer or is hiding due to some genuine and expressed fear of being victimised, it would be a factor that a judge would need to consider in an appropriate case. It is also necessary for the judge to consider whether the accused is a first-time offender or has been accused of other offences and if so, the nature of such

offences and his or her general conduct. The poverty or the deemed indigent status of an accused is also an extremely important factor and even Parliament has taken notice of it by incorporating an Explanation to section 436 of the Code of Criminal Procedure, 1973. An equally soft approach to incarceration has been taken by Parliament by inserting section 436A in the Code of Criminal Procedure, 1973.

5. To put it shortly, a humane attitude is required to be adopted by a judge, while dealing with an application for remanding a suspect or an accused person to police custody or judicial custody. There are several reasons for this including maintaining the dignity of an accused person, howsoever poor that person might be, the requirements of Article 21 of the Constitution and the fact that there is enormous overcrowding in prisons, leading to social and other problems as noticed by this Court in In Re-Inhuman Conditions in 1382 Prisons, 2017(4) RCR (Criminal) 416: 2017(5) Recent Apex Judgments (R.A.J.) 408 : (2017) 10 SCC 658

6. The historical background of the provision for bail has been elaborately and lucidly explained in a recent decision delivered in Nikesh Tara chand Shah v. Union of India, 2017 (13) SCALE 609 going back to the days of the Magna Carta. In that decision, reference was made to Gurbaksh Singh Sibbia v. State of Punjab, (1980) 2 SCC 565 in which it is observed that it was held way back in Nagendra v. King-Emperor, AIR 1924 Calcutta 476 that bail is not to be withheld as a punishment. Reference was also made to Emperor v. Hutchinson, AIR 1931 Allahabad 356 wherein it was observed that grant of bail is the rule and refusal is the exception. The provision for bail is therefore age-old and the liberal interpretation to the provision for bail is almost a century old, going back to colonial days.

7. However, we should not be understood to mean that bail should be granted in every case. The grant or refusal of bail is entirely within the discretion of the judge hearing the matter and though that discretion is unfettered, it must be

exercised judiciously and in a humane manner and compassionately. Also, conditions for the grant of bail ought not to be so strict as to be incapable of compliance, thereby making the grant of bail illusory.”

Therefore, to elucidate further, this Court is conscious of the basic and fundamental principle of law that right to speedy trial is a part of reasonable, fair and just procedure enshrined under Article 21 of the Constitution of India. This constitutional right cannot be denied to the accused as is the mandate of the Apex court in “**Balwinder Singh versus State of Punjab and Another**”, SLP (Crl.) No.8523/2024. Relevant paras of the said judgment reads as under:-

“7. An accused has a right to a fair trial and while a hurried trial is frowned upon as it may not give sufficient time to prepare for the defence, an inordinate delay in conclusion of the trial would infringe the right of an accused guaranteed under Article 21 of the Constitution.

8. It is not for nothing the Author Oscar Wilde in “The Ballad of Reading Gaol”, wrote the following poignant lines while being incarcerated:

*“I know not whether Laws be right,
Or whether Laws be wrong;
All that we know who be in jail
Is that the wall is strong;
And that each day is like a year,
A year whose days are long.”*

As far as the pendency of other cases and involvement of the petitioner in other cases is concerned, reliance can be placed upon the order of this Court rendered in CRM-M-25914-2022 titled as “**Baljinder Singh alias Rock vs. State of Punjab**” decided on 02.03.2023, wherein, while referring Article 21 of the Constitution of India, this Court has held that no

doubt, at the time of granting bail, the criminal antecedents of the petitioner are to be looked into but at the same time it is equally true that the appreciation of evidence during the course of trial has to be looked into with reference to the evidence in that case alone and not with respect to the evidence in the other pending cases. In such eventuality, strict adherence to the rule of denial of bail on account of pendency of other cases/convictions in all probability would land the petitioner in a situation of denial of concession of bail.

5. **RELIEF:**

In view of the discussions made hereinabove, the petitioner is hereby directed to be released on regular bail on him furnishing bail and surety bonds to the satisfaction of the trial Court/Duty Magistrate, concerned.

In the afore-said terms, the present petition is hereby allowed.

However, it is made clear that anything stated hereinabove shall not be construed as an expression of opinion on the merits of the case.

21.05.2025

Poonam Negi

**(SANDEEP MOUDGIL)
JUDGE**

*Whether speaking/reasoned
Whether reportable*

*Yes/No
Yes/No*