



CRM-M-38733-2023

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

CRM-M-38733-202

Date of Decision: 23.01.2025

Ranbir Singh @ Rana

..... Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Abhaysher Singh, 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 him regular bail in case FIR No.23 dated 22.04.2023 under Sections 15 & 29 of NDPS Act, registered at Police Station Khuhi Khera, District Fazilka.

2. As per facts of the case, on 22.04.2023, the Police party while on patrolling spotted a car coming from opposite side. On giving signal, it was stopped, however, both the driver and other inmate managed to escape from there. On search of the car, seven cartons each weighing 20 kgs poppy husk which comes to total 140 kgs of poppy husk was recovered. The FIR was registered and the investigation commenced. During the investigation, the petitioner was found to be the owner of the car and thus, he was arrayed as an accused. He was arrested on 02.05.2023. He approached the Court of learned Judge Special Court, Fazilka 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 18.07.2023. Hence, the petitioner approached this Court praying for grant of bail by way of filing the present petition.

3. It has been vehemently contended by learned counsel for the



petitioner that petitioner has been falsely and frivolously implicated in this case. He has submitted that neither the petitioner was named in the FIR, nor any recovery was effected from him nor he was arrested from the spot as per the case of the prosecution itself. He submits that the petitioner was arrayed as an accused only being the owner of the offending car. He submits that due to altercation with the police officials at Police Station City Ferozepur, the petitioner had been falsely implicated in five other cases within a span of a week in the same Police Station, however, he has been acquitted in those cases. He has submitted that the petitioner is behind bars from the last more than 01 year 08 months in the present case. It is submitted that till date there is no progress in the trial. He, thus, submits that in the overall facts and circumstances of the present case, the petitioner deserves to be granted bail.

4. Learned State counsel has opposed the submissions made by counsel for the petitioner. He submits that the petitioner is a habitual offender. He was found to be the owner of the car and it is on his disclosure, co-accused in the present case were arrested. He has produced the custody certificate of the petitioner on record. He submits that out of total 16 prosecution witnesses, only 01 witness has been examined till date.

6. After hearing counsel for the parties and perusing the record, it is apparent that the petitioner has been arrayed as an accused being the owner of the car, from which 140 kgs of poppy husk has been recovered. Though he was involved in other cases as well, however, as per custody certificate, he has been acquitted in those cases. In the present case, the petitioner is behind bar from the last about 01 year 8 months. Speedy trial is the right of the every accused.



7. 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 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.'

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. 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.

9. 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.

10. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

(RAJESH BHARDWAJ)
JUDGE

23.01.2025
sharmila

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