



228+388

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

CRM-M No.42054 of 2024

Balkar Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

CRM-M No.12961 of 2025

Sajan Ram

..... Petitioner

versus

State of Punjab

..... Respondent

Date of Decision: 30.07.2025

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Arshpreet Khadial, Advocate
for the petitioner in CRM-M-42054-2024 (through VC).

Mr. Sumeet Singh Brar, Advocate
for the petitioner in CRM-M-12961-2025.

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

RAJESH BHARDWAJ, J. (ORAL)

1. By this order, I dispose of the above mentioned two petitions arising out of the same FIR.
2. Present petitions have been filed praying for the grant of regular bail to the petitioners in case bearing FIR No.0003, dated



09.01.2024, under Section 22(c) of NDPS Act, 1985, registered at Police Station Special Task Force, District STF Wing, SAS Nagar, Mohali, Punjab.

3. Succinctly the facts of the case are that the police party while on patrolling on 09.01.2024, saw 02 young persons sitting on the ground with a polythene bag. The polythene bag was open and some intoxicant tablets were seen inside the same. They were suspected to be carrying some contraband and thus, both were apprehended. On asking, they disclosed their names as Sajan Ram and Balkar Singh. The search of the polythene bag was conducted and it was found that 300 strips, each containing 10 tablets and thus, total 3000 intoxicant tablets were recovered. They failed to produce any licence regarding the conscious possession of the same. Thus the FIR was registered and both were arrested on the spot. On registration of the FIR, the investigation commenced. The samples taken were sent to the FSL. As per the FSL report, the intoxicant tablets recovered were found to be containing salt Tramadol and it weighed 1158 grams. The petitioners approached the Court of learned Judge, Special Court, Bathinda praying for the grant of bail. However after hearing both the sides finding no merit in the same, the learned Judge, Special Court, Bathinda declined the bail petitions filed by both the petitioners vide orders dated 04.06.2024 and 25.07.2024, respectively. Hence being aggrieved, the petitioners are before this Court by way of filing the present petitions praying for the grant of regular bail.

4. Learned counsels for the petitioners have vehemently contended that the petitioners have been falsely and frivolously implicated



in the present case. They have submitted that the alleged recovery has been effected from the public place, however no independent witness was joined. They have submitted that there is a violation of provisions of Section 50 of NDPS Act as well while conducting the search. They have submitted that the petitioners are behind bars since the date of their arrest, i.e. 09.01.2024, however there is no progress in the trial and thus their right of speedy trial even otherwise is miserably defeated. Learned counsel for the petitioner in CRM-M-12961-2025 has submitted that the petitioner has no criminal antecedents whereas learned counsel for the petitioner in CRM-M-42054-2024 has submitted that though the petitioner was falsely implicated in other cases, which are registered under the Excise Act, however in 02 of the cases, he is acquitted and in 02, he is on bail. He has submitted that there is no other case under the NDPS Act against the petitioner. They have submitted that in the facts and circumstances, the petitioners deserve to be granted regular bail.

5. Short reply dated 07.04.2025 by way of an affidavit of Gurpreet Singh, PPS, Deputy Superintendent of Police, Anti-Narcotics Task Force, Bathinda Range, Bathinda on behalf of the respondent-State along with custody certificates of the petitioners has been filed by learned State counsel today in the Court and the same is taken on record. Copy thereof has been supplied to learned counsels for the petitioners.

6. *Per contra*, learned counsel for the State has opposed the submissions made by counsels for the petitioners. She has drawn the attention of this Court to the status report filed. She has submitted that, as per the FSL report, the recovery effected from the petitioners weighed



1158 grams containing Tramadol, which is a commercial quantity and thus, the provisions of Section 37 of NDPS Act are attracted. She, on instruction, has submitted that out of 11 prosecution witnesses, only 02 witnesses have been examined till date. She has produced custody certificates of both the petitioners today in the Court and the same are taken on record. He has submitted that petitioner, Sajan Ram is not involved in any other case whereas the petitioner, namely, Balkar Singh is involved in other cases as well.

7. Heard.

8. After hearing learned counsel for the parties and perusing the record, it is deciphered that the alleged recovery effected from the petitioners is from the public place. The recovery effected weighs 1158 grams of Tramadol is found to be commercial in nature. The petitioners are behind bars since the date of their arrest, i.e. 09.01.2024. Custody certificates produced would show that the petitioners have completed incarceration of 01 year, 06 months and 18 days as on 29.07.2025. Petitioner, Sajan Ram is not involved in any other case, whereas, the petitioner, Balkar Singh is involved in other cases, out of which in one, he has been acquitted and in one, he is on bail. Out of 11 prosecution witnesses, only 02 have been examined till date.

9. After perusal of the order passed by the Hon'ble Supreme Court in *Mohd Muslim @ Hussain vs. State (NCT of Delhi), 2023 Live Law (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.*

xxxxxx xxxxxxxx

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.*

xxxxxx xxxxxxxx

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.’*

10. 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.

11. 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 counsels for the petitioners succeed in making out a case for the grant of bail. Accordingly, the present petitions are allowed and the petitioners, namely, Balkar Singh and Sajan Ram 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. However, if the petitioner, namely, Balkar Singh, 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.

30.07.2025
rittu

(RAJESH BHARDWAJ)
JUDGE

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