

2025:PHHC:104339



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

**CRM-M-42613-2025
Date of Decision: 12.08.2025**

Ramandeep Singh @ Raman

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Rahul Aggarwal, Advocate
for the petitioner(s).

Mr. Raj Karan Singh, AAG, Punjab.

RAJESH BHARDWAJ, J. (ORAL)

1. Petitioner has approached this Court by way of present petition praying for granting regular bail in case FIR No.355 dated 04.11.2023 under Sections 21/22/29 of the Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Tanda, District Hoshiarpur (Annexure P-1).

2. Succinctly, facts of the case are that on 04.11.2023 the police party had laid a *Nakka* at T-point of Pindi Kher Gate opposite bus stand of Basti Bohar on Tanda to Sri Hargobindpur road. They saw a white Swift car without number plate coming from Rarra Bridge, Sri Hargobindpur side. It was signaled to be stopped, however, both the inmates of the car after stopping the car at some distance, threw the polythene bags on the road and tried to escape. However, they were overpowered by the police party. On asking, driver of the car disclosed his name as Ramandeep Singh alias Raman (petitioner) whereas the person sitting on the passenger seat disclosed his name as Navtej Singh. They were suspected to be carrying some contraband in their polythene bags which were thrown by them. Search of both the bags was carried out. On conducting search of the polythene

bag thrown by the Ramandeep Singh alias Raman (petitioner) 512 grams of heroin was recovered and from the polythene bag thrown by co-accused Navtej Singh 217 grams of heroin was 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 as per FSL report the said contraband was found to be containing Dincetylmorphine (Heroin) and the challan was presented. On framing of charges, the trial commenced. The petitioner approached the Court of Ld. Judge, Special Court, Hoshiarpur 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 25.12.2023. Thereafter, the petitioner has approached this Court by way of filing CRM-M-4914-2024, however, the same was dismissed as not pressed. Hence, the petitioner has approached this Court praying for grant of bail by way of filing the present 2nd 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 there is violation of mandatory provisions of the NDPS Act. He further submits that the alleged recovery has been effected from a public place, but no independent witness has been joined. He submits that personal search of the petitioner was also carried out and thus, there is violation of Section 50 of the NDPS Act as well. He further submits that the consent memo etc. are also have been manipulated and the recovery as alleged to have been effected is totally a planted upon both the accused in a premeditated manner. He submits that co-accused Navtej Singh has already been released on bail by the trial Court. He submits that the petitioner is involved in one more case, however he is on bail in that case. It is submitted that the petitioner has completed incarceration of more

than one and a half year, but there is no progress in the trial. 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. He has submitted that on due compliance of Sections 42 and 50 of the NDPS Act, recovery of 512 grams of heroin was effected from the petitioner whereas recovery of 217 grams of heroin was effected from the co-accused, thus, total 729 grams of heroin was recovered in the present case, which falls under the commercial quantity and hence, provisions of Section 37 of the NDPS Act are attracted. He submits that the petitioner is a habitual offender. It is submitted that out of total 09 prosecution witnesses, 02 witnesses have been examined so far. He has placed on record the custody certificate of the petitioner.

5. After hearing 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. 04.11.2023. Co-accused has already been granted concession of regular bail by the trial Court. Recovery allegedly effected from the petitioner is commercial one. Out of total 09 prosecution witnesses, only 02 witnesses have been examined till date. The custody certificate would reflect that the petitioner has suffered incarceration of 01 year, 09 months & 04 days as on 11.08.2025. It further reflects that the petitioner is involved in three other cases, however, in two of the cases he is on bail and in one case he has been acquitted.

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.

12.08.2025
Parveen kumar

(RAJESH BHARDWAJ)
JUDGE

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