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

CRM-M-49259-2025

Date of Decision: 08.12.2025

Karanjit Singh @ Karanjeet Singh @ Karan

..... Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Raghav Soni, Advocate, for the petitioner.

Mr.Raj Karan Singh, AAG, Punjab.

Rajesh Bhardwaj, J. (ORAL)

1. Prayer in the present petition is for grant of regular bail to the petitioner in a case FIR No.70 dated 15.04.2024, registered under Sections 22(C), 29, 61, 85 of NDPS Act, 1985, at Police Station City Kotkapura, District Faridkot.

2. Succinctly, facts of the case are that on 15.04.2024, the police party while on patrolling when turned from triangular Moga-Kotkapura-Bathinda road to Bathinda, they saw a clean shaven person having kit bag sitting on the bench waiting for the bus. He was called by the police, but instead of coming, he tried to escape with his kit bag. On suspicion, he was apprehended by the police. On asking, he disclosed his name to be Karan Kumar. He was suspected to be carrying some contraband in the kit bag being carried by him. Thus, search of the kit bag was conducted and 10000 pills of Tramadol Hydrochloride were recovered. He failed to produced any licence regarding the possession of the same, and thus, on registration of the FIR, he was arrested. The investigation commenced. Samples taken were sent to the FSL. During the investigation, Karan Kumar made a disclosure statement about the complicity of the petitioner, namely, Karanjit Singh @ Karanjeet Singh @ Karan being supplier of the recovered contraband and



thus, the petitioner also arrayed as an accused. He was arrested on 10.06.2024. He approached the Court of learned Judge, Special Court, Faridkot 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 22.07.2024. Being aggrieved, the petitioner earlier approached this Court twice for grant of regular bail by way of filing CRM-M-52397-2024 and CRM-M-3182-2025, however, both petitions were allowed to be dismissed as withdrawn vide orders dated 25.10.2024 and 08.05.2025, respectively. Hence, the petitioner has again approached this Court praying for grant of regular bail by way of filing the present third petition.

3. It has been vehemently contended by learned counsel for the petitioner that the petitioner has been falsely and frivolously implicated in the present case. He submits that neither the petitioner was present at the spot nor any recovery has been recovered from him. It is submitted that the petitioner has been arrayed as an accused on the basis of disclosure statement of the co-accused, which in itself is not an admissible evidence. He submits that the petitioner was earlier also falsely implicated in two FIRs, out of which in one case he is on bail. He submits that only on the basis of disclosure statement, the petitioner has been roped in the present case and he is behind the bars from the last about 1½ years, however, the prosecution has not been able to conclude the trial till date. He, thus, submits that in the facts and circumstances of the present case, the petitioner deserves to be granted bail.

4. *Per contra*, learned State counsel has vehemently controverted



the submissions made by counsel for the petitioner. He has submitted that 10000 tablets of Tramadol Hydrochloride which were recovered from the co-accused weighed 4.28 kgs of Tramadol Hydrochloride, which is a commercial quantity and thus, provisions of Section 37 of the NDPS Act, are attracted in the present case. He submits that complicity of the petitioner surfaced during the investigation and he was found to be the supplier of the contraband recovered from the co-accused. On instructions, he has submitted that out of total 20 prosecution witnesses, 07 witnesses still remain to be examined. 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 recovery of 10000 tablets of Tramadol Hydrochloride weighing 4.28 kgs of Tramadol Hydrochloride had been recovered from the co-accused. The petitioner was arrayed as an accused on the basis of disclosure statement of the co-accused. Out of total 20 prosecution witnesses, 07 witnesses still remain to be examined. The custody certificate would show that the petitioner has suffered incarceration of 01 year, 05 months & 25 days as on 06.12.2025. It further shows that the petitioner is involved in 2 more FIRs, in which he is not on bail.

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. Keeping in view the arguments raised by both the



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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.

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. It is being clarified that in case the petitioner does not furnish bail/surety bonds within a period of one week from today, his custody will not be counted in the present case after one week.

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

(RAJESH BHARDWAJ)
JUDGE

08.12.2025

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