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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.50785 of 2025

Pankaj Rana
..... Petitioner
versus
State of Punjab
..... Respondent

CRM-M No.54693 of 2025

Baljeet Singh @ Baljit Singh
.....Petitioner
versus
State of Punjab
..... Respondent

Date of decision: 01.12.2025

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Jashandeep Singh Sandhu, Advocate
for the petitioner in CRM-M-50785-2025.

Mr. Vivek K. Thakur, Advocate and
Mr. Kashish Thakur, Advocate
for the petitioner in CRM-M-54693-2025.

Mr. Amit Kumar Goel, AAG, Punjab.

RAJESH BHARDWAJ, J. (Oral)

1. By this order, I dispose of the above mentioned two petitions arising out of the same FIR.
2. Both the petitions have been filed praying for the grant of regular bail to the petitioners in case bearing FIR No.50, dated 09.03.2024, under Sections 21, 25, 27-A, 61 of NDPS Act (Section 29 NDPS Act added later on), registered at Police Station Gharinda, District



Amritsar Rural, Punjab.

3. Succinctly the facts of the case are that the police party, while on patrolling on 09.03.2024, received a secret information to the effect that Baljeet Singh @ Baljit Singh (petitioner in CRM-M No.54693 of 2025) was involved in smuggling of heroin. It was informed that he would be coming from Attari in white colour i20 car bearing registration No.PB-02-DU-6178 and in case of barricading, he could be apprehended along with the contraband. On receiving the secret information, the raiding party was constituted and barricading was laid at the place as disclosed in the secret information. The car, as disclosed was seen coming and thus, the same was stopped. On asking, driver of the car, disclosed his name to be Baljeet Singh @ Baljit Singh. He was suspected to be carrying some contraband in the car and thus, search of the car was conducted. On conducting the search of the car, a black coloured bag was recovered under the driver's seat. Thus, on conducting the search of the black coloured bag, 04 packets were found and from first packet, 946 grams of heroin was recovered, whereas from the second packet, 1 Kg 3 grams of heroin was recovered. From the third packet, 443 grams of heroin was recovered and from the fourth packet, 500 grams of heroin was recovered and thus, in total 2 Kgs 892 grams of heroin along with Rs.2,50,000/- drug money was recovered. He failed to produce any licence regarding the conscious possession of the same, thus, the FIR was registered and he was arrested on the spot. On registration of the FIR, the investigation commenced. During the investigation, he made a disclosure statement regarding the complicity of the petitioner, namely, Pankaj Rana (in CRM-



M-50785-2025), thus, he was also arrayed as an accused in the present case. Resultantly, the petitioner, namely, Pankaj Rana (in CRM-M-50785-2025) was arrested on 10.03.2024. On receipt of the FSL, the challan was presented. Both the petitioners approached the Court of learned Judge, Special Court, Amritsar praying for the grant of bail, however after hearing both the sides and finding no merit in the same, the learned Judge, Special Court, Amritsar declined the bail applications filed by both the petitioners vide orders dated 13.06.2024 and 27.08.2024, respectively. Being aggrieved, the petitioner, namely, Pankaj Rana (in CRM-M-50785-2025) earlier approached this Court twice by way of filing CRM-M-53815-2024 and CRM-M-28941-2025 praying for the grant of bail, however the same were dismissed vide orders dated 15.01.2025 and 29.05.2025, 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 counsel for the petitioners have vehemently contended that the petitioners have been falsely implicated in the present case. They have submitted that the FIR was registered on the basis of secret information but there is a violation of provisions of Section 42 of NDPS Act. They have submitted that the alleged recovery was effected from the public place, however no independent witness has been joined. He has further submitted that there is a violation of mandatory provisions of Section 50 of NDPS Act as well in conducting the search.

5. Learned counsel for the petitioner has submitted that the petitioner, namely, Pankaj Rana (in CRM-M-50785-2025) has been



arrayed as an accused in the present case on the basis of disclosure statement of co-accused, which in itself is not even an admissible evidence.

6. Learned counsel for the petitioners have further submitted that the petitioners are behind bars since the date of their arrest, however till date, there is no material progress in the trial and thus, their right of speedy trial is miserably defeated. They have submitted that the petitioners have no criminal antecedents as they have never been involved in any other case. They have submitted that in the facts and circumstances, the petitioners deserve to be granted bail.

7. *Per contra*, learned counsel for the State however has vehemently opposed the submissions made by learned counsels for the petitioners. He has submitted that there was specific secret information regarding the petitioner, namely, Baljeet Singh @ Baljit Singh (in CRM-M-54693-2025). He has submitted that during the investigation, complicity of the petitioner, namely, Pankaj Rana (in CRM-M-50785-2025) was established. He has submitted that the recovered contraband, i.e. 2 Kg 892 grams of heroin falls under the category of commercial quantity and thus, provisions of section 37 of NDPS Act are attracted. He has submitted that the car used in the commission of offence was supplied by the petitioner, namely, Pankaj Rana (in CRM-M-50785-2025). He, on instructions, has submitted that out of total 12 prosecution witnesses, only one witness has been partially examined so far. He has produced custody certificates of both the petitioners today in the Court, which are taken on record.



8. The Court has heard learned counsel for the parties and perused the record with their able assistance.

9. On hearing learned counsel for the parties and perusing the record, it is deciphered that FIR in the present case was registered on the basis of secret information. The petitioner, namely, Baljeet Singh @ Baljit Singh (in CRM-M-54693-2025) was arrested on the spot along with the contraband. The petitioner, namely, Pankaj Rana (in CRM-M-50785-2025), who was arrayed as an accused in the present case on the basis of disclosure statement of co-accused, was arrested on 10.03.2024. Contraband recovered in the present case weighing 2 Kgs 892 grams of heroin falls under the category of commercial quantity. Custody certificates produced would show that the petitioner, namely, Pankaj Rana (in CRM-M-50785-2025) has suffered incarceration of 01 year, 08 months and 13 days and the petitioner, namely, Baljeet Singh @ Baljit Singh (in CRM-M-54693-2025) has suffered incarceration of 01 year, 08 months and 15 days as on 29.11.2025. It further reflects that the petitioner, namely, Baljeet Singh @ Baljit Singh (in CRM-M-54693-2025) is not involved in any other case, whereas the petitioner, namely, Pankaj Rana (in CRM-M-50785-2025) is involved in 01 more case, however as submitted by learned counsel for the petitioner, he is on bail in that case. Only 01 witness has been partially examined, out of total 12 prosecution witnesses.

10. In view of the facts and circumstances of the present case, this Court cannot ignore the fact that the speedy trial is the fundamental right of every accused. 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:-

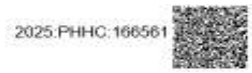
19. A plain and literal interpretation of the conditions under Section 37 (i.e., that Court should be satisfied that the accused is not guilty and would not commit any offence) would effectively exclude grant of bail altogether, resulting in punitive detention and unsanctioned preventive detention as 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.

20. xxxxx

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.

22. xxxxx

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.”

11. 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.
12. 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 counsel for the petitioners succeed in making out a case for the grant of bail.
13. Accordingly, both the petitions are allowed and the petitioners, namely, Pankaj Rana and Baljeet Singh @ Baljit Singh 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.

01.12.2025

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

(RAJESH BHARDWAJ)

JUDGE