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

**CRM-M No.53268 of 2025
Date of Decision : 25.09.2025**

Karanjeet Singh @ Karanjeet Singh @ Karan**.....Petitioner****versus****State of Haryana****..... Respondent****CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ**

Present :- Mr. D. S. Virk, Advocate
for the petitioner.

Mr. Tanuj Sharma, AAG, Haryana.

RAJESH BHARDWAJ, J. (Oral)

1. Present petition has been filed praying for the grant of regular bail to the petitioner in case bearing FIR No.54, dated 18.03.2024, under Sections 15(c), 27(A), 29/61/85 of NDPS Act, 1985 and Sections 201, 474 of IPC, registered at Police Station Uchana, District Jind.
2. Succinctly the facts of the case are that the police party, while on patrolling on 18.03.2024, received a secret information to the effect that Iqbal Singh and Karanjit Singh (petitioner) were involved in smuggling of Poppy Husk. It was informed that they would bring the Poppy Husk from Rajasthan in their Car bearing registration No.DL3CBY1240 make Volkswagen Zetta colour Silver and they would come towards Narwana by crossing the Toll Plaza and in case of



barricading, they could be arrested alongwith the heavy quantity of Poppy Husk being carried in the Car. On finding the secret information reliable, the raiding party was constituted and the barricading was laid at the place disclosed in the secret information. The car, as disclosed in the secret information, was seen coming and the same was stopped. 02 persons were travelling in the same. Both of them, on asking, disclosed their names as Iqbal Singh and Karanjit Singh (petitioner). They were suspected to be carrying some contraband and thus, the search of the car was conducted. On conducting the search of the car, 8 bags of Poppy Husk were recovered, which in total weighed 146 Kg of Poppy Husk. They failed to produce any licence regarding the conscious possession of the same and 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. On completion of the investigation, the challan was presented and on framing of charges, the trial commenced. The petitioner approached the Court of learned Additional Sessions Judge, Jind praying for the grant of bail. However, after hearing both the sides and finding no merit in the same, the learned Additional Sessions Judge, Jind declined the bail application filed by the petitioner vide order dated 11.03.2025. Hence being aggrieved, the petitioner is before this Court by way of filing the present petition praying for the grant of regular bail.

3. Learned counsel for the petitioner has submitted that the petitioner has been falsely implicated in the present case. He has submitted that FIR in the present case has been registered on the basis of secret information, however there is a violation of mandatory provisions



of Section 42 of NDPS Act. He has submitted that there is a violation of provisions of Section 50 of NDPS Act as well in conducting the search. He has submitted that the recovery has been effected from the public place, however there is no independent witness has been joined. He has further submitted that the petitioner is not involved in any other case. He has submitted that the petitioner is behind bars since the date of his arrest and the petitioner has completed incarceration of about 1 ½ years, however there is no progress in the trial and thus, the speedy trial of the petitioner is miserably defeated. He has further submitted that co-accused of the petitioner, namely, Chhotu Lal; Bahal Singh @ Jeeta and Devendra Kumar Meena @ Devender Kumar Meena, have already been granted bail by this Court vide orders dated 18.02.2025 and 31.07.2025, respectively, passed in CRM-M-29845-2024; CRM-M-38992-2024 and CRM-M-34513-2025. He has thus submitted that in the facts and circumstances, the petitioner deserves to be granted regular bail.

4. *Per contra*, learned State counsel has opposed the submissions made by counsel for the petitioner. He, on instructions, has submitted that the petitioner was specifically named in the secret information and during the search, the alleged recovery of 146 Kg of Poppy Husk was effected, which falls under the commercial quantity and thus the provisions of Section 37 of NDPS Act are attracted. He has submitted that there is no violation of provisions of NDPS Act. He, on instructions, has submitted that out of total 46 prosecution witnesses, no witness has been examined till date. He has placed on record custody certificate of the petitioner today in the Court and the same is taken on



record.

5. Heard.

6. After 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. As per the case of prosecution, the recovery of 146 Kgs of Poppy Husk was recovered in the present case, which is commercial in nature. The petitioner was arrested on the spot on 18.03.2024. Custody certificate produced would show that the petitioner has suffered incarceration of 01 year, 05 months and 27 days as on 24.09.2025. Custody certificate produced would further shows that the petitioner is not involved in any other. Out of total 46 prosecution witnesses, no witness has been examined so far. Needless to say that the every accused has the fundamental right of speedy trial.

7. 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.

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- 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.*

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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.

9. 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 petitioner succeeds in making out a case for the grant of



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

25.09.2025

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Whether speaking/reasoned
Whether reportable

: Yes/No
: Yes/No

(RAJESH BHARDWAJ)
JUDGE