



241

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

CRM-M-54191-2025

Date of decision : 06.11.2025

Ranjit Singh**.....Petitioner****versus****State of Punjab****..... Respondent****CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ**

Present :- Mr. Jashandeep Singh Sandhu, Advocate
for the petitioner.

Mr. Raj Karan Singh, A.A.G., Punjab.

RAJESH BHARDWAJ, J. (Oral)

1. Present petition has been filed for grant of regular bail to the petitioner in case FIR No.265 dated 19.08.2020, under Section 21 of Narcotic Drugs and Psychotropic Substances Act, 1985 (lateron Sections 22 & 29 of NDPS were added) registered at Police Station Maqboolpura, District Amritsar, Punjab.

2. Learned counsel for the petitioner has contended that the petitioner has been falsely implicated in the present case. He submits that as per the case of the prosecution, 265 grams of heroin was recovered from co-accused Sukhbir Singh @ Sukh @ Bhatti on 19.08.2020. He submits that during investigation, the petitioner was implicated in this case on the basis of disclosure statement of the co-accused, which even otherwise, is not admissible evidence. He submits that apprehending arrest, the petitioner earlier approached this Court for grant of anticipatory



bail and the same was granted to him by this Court vide order dated 18.11.2020. He submits that it was during the COVID-19 Pandemic, the petitioner was again falsely implicated in another FIR i.e. FIR 103 dated 21.08.2021, under Sections 18, 21, 25 & 29 of NDPS Act; Sections 3, 20 and 34 of Indian Passport Act; Section 14 of Foreign Act and Section 473 of IPC, registered at Police Station Ramdass, District Amritsar, in which he was arrested on 14.09.2021. He submits that the petitioner was arrested in that FIR as well on the basis of disclosure statement. He submits that as the petitioner was already arrested in FIR No.103 dated 21.08.2021, thus, he could not appear in the present FIR. He submits that it was only upto the State to produce him before the trial Court and absence of the petitioner before the trial Court was totally unintentional. He submits that learned Special Court cancelled his anticipatory bail on 18.08.2023 and thereafter, he was again arrested on 17.03.2025. He submits that since then he is behind bars. He submits that the petitioner approached the learned Judge, Special Court, Amritsar for grant of bail, however, after hearing both the sides, the same was declined by the trial Court vide order dated 04.09.2025. He thus, submits that in the facts and circumstances, it is apparent that when the petitioner already granted anticipatory bail, he deserves to be granted regular bail in the present FIR. He further submits that co-accused, namely, Sukhbir Singh @ Sukh @ Bhatti, has already been granted bail by this Court vide order dated 14.01.2021 passed in CRM-M-980-2021.

3. Per contra, learned State counsel has opposed the submissions made by the counsel for the petitioner. He has submitted that the contraband recovered from the co-accused is 265 grams of heroin which is a commercial quantity and thus, provisions of Section 37 of



NDPS Act, are attracted in the present case. He submits that though the petitioner was granted the anticipatory bail but he misused the concession of the same and thus, his bail was rightly cancelled. It is submitted that the petitioner is behind bars since 17.03.2025. He, on instructions, has submitted that out of total 15 prosecution witnesses, only 01 witness has been examined so far. He also endorsed the fact that co-accused is on bail. He has produced the custody certificate of the petitioner on record.

4. On hearing counsel for the parties and perusing the record, it is deciphered that the petitioner in the present case was arrayed as an accused on the basis of disclosure statement of the co-accused. He was granted anticipatory bail by this Court, however, subsequently, he was arrested in another FIR i.e. FIR No.103 dated 21.08.2021 and was taken into custody on 14.09.2021. Co-accused, namely, Sukhbir Singh @ Sukh @ Bhatti, has already been granted bail by this Court vide order dated 14.01.2021 passed in CRM-M-980-2021. As submitted before this Court out of total 15 prosecution witnesses, only 01 witness has been examined so far. As per custody certificate, the petitioner has suffered incarceration of 02 years, 02 months and 18 days as on 05.11.2025. It further reflects that the petitioner is involved in one more case, however, he is on bail in that case.

5. 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.*



6. The veracity of the allegations would be assessed only after conclusion of the trial and on the appreciation of evidence to be led by both the parties before the trial Court.

7. The trial of the case will take sufficiently long time. Thus, keeping in view the overall facts and circumstances of the case, this Court is of the opinion that learned counsel for the petitioner succeeds in making out a case for grant of regular 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 Court/Duty Magistrate.

06.11.2025
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(RAJESH BHARDWAJ)
JUDGE

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