

**CRM-19936-2025 IN/&
CRM-M-57234-2024 (O&M)**

**109+231 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

2025:PHHC:069355



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CRM-M-57234-2024 (O&M)
DATE OF DECISION : 22.05.2025**

ANMOL SINGH

... PETITIONER

V/S

STATE OF PUNJAB

... RESPONDENT

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Ms. Gagandeep Kaur, Advocate for the petitioner.

Mr. J.S.Arora, DAG Punjab.

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RAJESH BHARDWAJ, J. (ORAL)

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1. The application for placing on record the better version of translation of FIR is allowed and the aforesaid document is taken on record as Annexure A-1, subject to all just exceptions.
2. Registry to tag the same at the appropriate place.

Main case

1. Petitioner has approached this Court by way of present 2nd petition praying for grant of regular bail in case FIR No.59 dated 09.04.2024 under Section 22-C of NDPS Act (Section 27/61/85 NDPS added later on vide DDR No. 20 dated 10.04.2024) registered at Police Station STF SAS Nagar, District STF Wing.
2. Succinctly, facts of the case are that the Police party while patrolling on 09.04.2024 saw a young person coming on a motor-cycle.

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However, on seeing the Police, he got perplexed and started reversing his motor-cycle but in process, the motor-cycle slipped and fell off. On suspicion, he was apprehended and on asking he disclosed his name as Anmol Singh. A polythene bag was hanging on the motor-cycle. The search of the polythene bag was conducted from which 970 narcotic tablets mark Tramadol Hydrochloride were recovered. The petitioner failed to produce any licence regarding the possession of the same and thus, he was arrested on the spot. On registration of FIR, investigation commenced. Samples taken were sent to the FSL. On conclusion of investigation, challan was presented and on framing of charges, trial commenced. The petitioner approached the trial Court praying for grant of bail. However, after hearing both the sides, the same was declined by the learned Special Court, Faridkot vide order dated 17.05.2024. Aggrieved, the petitioner had approached this Court by way of filing a petition bearing CRM-M-32769-2024 for bail the same was dismissed as not pressed vide order dated 17.07.2024. Hence, the petitioner has again approached this Court praying for grant of bail by way of filing the present second 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. She fairly submits that the petitioner is an addict and thus, he was implicated in various cases. However, he is on bail in some of the cases. It is submitted that in the present case, the alleged recovery has been planted upon the petitioner. However, no independent witness has been joined. She submits that the petitioner is behind bars since the date of his arrest. However, prosecution has not been able to even examine a single

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witness. She submits that in the facts and circumstances of the case, petitioner deserved the concession of bail.

4. Per contra, learned State counsel has opposed the submissions made by counsel for the petitioner. He has submitted that the recovery has been effected as per the provisions of NDPS Act. As per the report of FSL, the contraband was weighing 416.13 gms of Tramadol which is a commercial quantity and thus, provisions of Section 37 of the NDPS Act are attracted in the present case. He has placed on record the custody certificate of the petitioner and submits that the petitioner is involved in 08 other cases. On instructions, he submits that out of total 24, 06 prosecution witnesses have been given up and out of the remaining witnesses no witness has been examined.

5. After hearing counsel for the parties and perusing the record, it is inferred that there was recovery of 970 narcotic tablets from the petitioner. Recovery has been effected in the presence of the Investigating Officer only and not in the presence of any Gazetted Officer. In the present case, charges are framed. However, no witness has been examined.

6. 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

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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.

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 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

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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.

22.05.2025

Janki

**(RAJESH BHARDWAJ)
JUDGE**

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