



230

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

**CRM-M No.62342 of 2024
Date of decision : 06.08.2025**

Ramandeep Singh @ Ramma @ Ramna**.....Petitioner**

versus

State of Punjab**..... Respondent****CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ**

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

Ms. Simran Gorla, Asstt. A.G., Punjab.

RAJESH BHARDWAJ, J. (Oral)

1. Present third second petition has been filed praying for the grant of regular bail to the petitioner in case bearing FIR No.26, dated 18.04.2023, under Section 21 of NDPS Act, 1985 (Sections 22, 29 of NDPS Act added later on), registered at Police Station Bhadaur, District Barnala, Punjab.
2. Succinctly the facts of the case are that the police party, while on patrolling on 18.04.2023, saw a person sitting at bus stand Patti deep Singh, Bhadaur and was packing small transparent envelopes. On seeing the police, he got perplexed. Thus, the police apprehended him and on asking, he disclosed his name to be Mandar Singh @ Mindi. He was suspected to be carrying some contraband in the envelope. Thus, search of



the same was conducted and 20 grams of heroin was recovered from the bag. 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, Mandar Singh @ Mindi made disclosure statement about the complicity of the petitioner, namely, Ramandeep Singh @ Ramma @ Ramna, stating therein that the contraband recovered from him was supplied by the petitioner. Thus the petitioner was also arrayed as an accused in the present case on 20.04.2023. Resultantly he was arrested in the present case on 28.07.2023. However the petitioner was already behind bars in another case bearing FIR No.70, dated 19.07.2023. On the disclosure of petitioner, 850 tablets of Tramadol were recovered. However the same were sent to the FSL and as per the FSL, the same was found weighing 318.75 grams of Tramadol. The petitioner approached the Court of learned Judge, Special Court, Barnala praying for the grant of regular bail, however, after hearing both the sides and finding no merit in the same, the learned Judge, Special Court, Barnala dismissed the bail application filed by the petitioner vide order dated 15.09.2023. Being aggrieved, the petitioner earlier approached this Court twice by way of filing CRM-M-64024-2023 and CRM-M-39926-2024 praying for the grant of bail, however the same were dismissed vide orders dated 22.04.2024 & 21.10.2024, respectively. Hence being aggrieved, the petitioner is before this Court praying for the grant of bail by way of filing the present third petition.

3. It has been contended by learned counsel for the petitioner



that the petitioner has been falsely and frivolously roped in the present case. He has submitted that the petitioner has been arrayed as an accused in the present case on the basis of disclosure statement of co-accused, namely, Mandar Singh @ Mindi, from whom, 20 grams of heroin was recovered. He has submitted that the petitioner, on the basis of disclosure statement, was arrayed as an accused in the present case, while admittedly he was already behind bars in FIR No.70, dated 19.07.2023. He has submitted that on the confessional statement recorded by the police, 850 tablets of Tramadol having been planted upon the petitioner by showing the recovery from his village. He has submitted that false implication of the petitioner is writ large as the petitioner was already in judicial custody and the statement was recorded by the police, while he was behind bars. He has submitted that though the petitioner is involved in other cases, however he is on bail. He has submitted that the petitioner has completed an incarceration of about 02 years but there is no progress in the trial. He has 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. She has submitted that on the disclosure statement of co-accused, Mandar Singh @ Mindi, the petitioner was arrayed as an accused. She has further submitted that on the disclosure statement of the petitioner, 850 tablets of Tramadol was recovered, which weighed 318.75 grams, i.e. the commercial quantity and thus the provisions of Section 37 of NDPS Act are attracted. She has submitted that the petitioner is a habitual offender, who is involved in



other cases as well. She, on instructions, has submitted that out of 10 prosecution witnesses, no witness has been examined till date. She has placed on record custody certificate of the petitioner dated 05.08.2025 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 the petitioner has been arrayed as an accused in the present case on the basis of disclosure statement of co-accused, while he was in judicial custody in another case bearing FIR No.70. As submitted by learned State counsel, out of 10 prosecution witnesses, no witness has been examined till date. Recovery effected from the petitioner falls under the category of commercial quantity. Custody certificate produced would show that the petitioner has completed incarceration of 01 year, 11 months and 8 days as on 05.08.2025. As reflected from the custody certificate, though the petitioner is involved in 14 other cases as well, however he is on bail in 08 of the cases, 04 of the cases, he has been discharged and in one case, he has been acquitted. Only for the reason that the petitioner is involved in other cases as well, cannot be a ground for rejection of bail, if the same is made out on the basis of merits of the case in hand.

7. 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:-

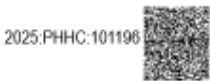
19. A plain and literal interpretation of the conditions under Section 37 (i.e., that Court should be satisfied that the accused is not guilty and would not commit any offence) would effectively exclude grant of bail altogether, resulting in punitive detention and unsanctioned preventive detention as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

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 her 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. However, if the petitioner does not furnish the bail bonds within seven days from today, then his further custody period after one week will not be counted in this case.

06.08.2025
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(RAJESH BHARDWAJ)
JUDGE

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