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

CRM-M-65018-2024

Date of decision : 08.05.2025

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

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

Mr. J.S. Arora, D.A.G., Punjab.

RAJESH BHARDWAJ, J. (Oral)

1. This is the third petition that has been made for grant of regular bail to the petitioner in case FIR No.15 dated 27.04.2023, under Sections 15(c), 25, 29 of NDPS Act, registered at Police Station SSOC, Fazilka, District Fazilka Punjab.

2. As per the case of the prosecution, a secret information was received against five persons namely Balwinder Singh @ Binda s/o Karam Singh, Baljit Singh s/o Joginder Singh, Bhinder Singh s/o Basant Singh, Inderjit Singh @ Inder s/o Buta Singh and Gurjit Singh @ Guri s/o Mahinder Singh regarding them indulging in smuggling of poppy husk from Rajasthan. A naka was laid. An i20 car was apprehended. On asking, the driver of the car disclosed his name as Balwinder Singh @ Binda and the person sitting adjoining him disclosed his name as Inderjit Singh @ Inder (petitioner). However, admittedly no recovery was made from the car. Thereafter, a truck was also apprehended which was being driven by Baljit Singh. The case of the prosecution is that the truck carrying



contraband was being escorted by i20 car which was driven by Balwinder Singh @ Binda. The truck which they were escorting was suspected to be carrying some narcotic substance. On giving the offer, the search of the truck was carried out and recovery of 35 bags of poppy husk weighing 07 Qtl and 4 kgs was made. They failed to produce any licence for possession of the contraband and thus, FIR was registered and they were arrested on the spot. On registration of FIR, investigation commenced. Samples taken were sent to the FSL. Petitioner approached the Ld. Judge, Special Court, Fazilka for grant of bail, however, after hearing both the sides, the same was declined by the Learned Judge, Special Court, Fazilka vide order dated 03.07.2023. Aggrieved by the same, the petitioner earlier approached this Court by way of filing of CRM-M-32310-2023 and CRM-M-53984-2023, which were dismissed as withdrawn vide orders dated 21.07.2023 and 18.11.2024, passed by this Court. Hence, petitioner is before this Court by way of filing the present third petition.

3. It has been contended by counsel for the petitioner that the petitioner has been falsely implicated in the present case. He submits that the recovery in the present case has been effected from the truck and the co-accused, who was in the truck, has already been enlarged on bail vide order dated 20.11.2024 passed by this Court in CRM-M-56642-2024. He has submitted that in all there are 05 accused out of which 04 accused are already on bail. It is submitted that though the petitioner has been prosecuted in 08 other cases as well, however, he has been acquitted in 03 of the cases, convicted in one case and in remaining 04 cases, he is already on bail. He thus, submits that in the facts and circumstances of the present case, he deserves to be granted regular bail.



4. Per contra, learned State counsel has opposed the submissions made by counsel for the petitioner. He submits that the name of the petitioner was duly mentioned in the secret information received. However, he endorsed the fact that remaining 04 accused are already on bail. He submits that recovery effected in the present case is 07 Qtl 04 Kgs of poppy husk, which is a commercial quantity, and thus, provisions of Section 37 of NDPS Act, are attracted. He, on instructions, has submitted that out of 20 prosecution witnesses, only 05 witnesses have been examined so far. He has produced the custody certificate of the petitioner.

5. On hearing counsel for the parties and perusing the record, it is deciphered that the petitioner was arrested on 27.04.2023 and since then he is behind bars. The co-accused are said to be on bail. As per custody certificate, the petitioner has suffered an incarceration of 01 year, 10 months and 16 days as on 08.05.2025. As submitted by learned State counsel, petitioner is involved in 08 other cases as well, however, he has been acquitted in 03 of them, convicted in one case and in remaining 04 cases, he is already on bail.

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 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.

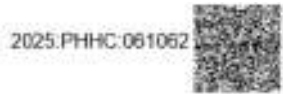
20. xxxxx

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

08.05.2025
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(RAJESH BHARDWAJ)
JUDGE

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