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

CRM-M-12279-2025

Date of decision : 19.02.2026

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

Present :- Mr. Bhupinder Singh Kundra, Advocate
for the petitioner.

Mr. Raj Karan Singh, AAG, Punjab.

RAJESH BHARDWAJ, J. (Oral)

1. Petitioner has approached this Court by way of filing the present petition praying for grant of regular bail to him in case FIR No.221 dated 16.09.2022, under Sections 22/61/85 of the NDPS Act, registered at Police Station City Rajpura, District Patiala, Punjab.

2. Succinctly facts of the case are that the police party while on patrolling on 16.09.2022 had laid the barricading at the main highway from Ambala to Rajpura road. In the meantime, a car was seen coming from which one boy came down and he started threw a bag at the roadside and some strips of the intoxicant tablets came out of that bag. On suspicion, he was stopped and apprehended. On asking, he disclosed his name as Dharam Singh. He was suspected to be carrying some contraband in the same and thus, his personal search was conducted. On conducting the search, 8820 tablets of Alprasaft and 90 tablets of Pregalab 300 were recovered. He failed to produce any license regarding the possession of the same. Thus, FIR was registered and the petitioner was arrested on 16.09.2022.

Investigation commenced. The samples taken were sent to the FSL. On



receiving the FSL report, challan was filed and on framing of charges, trial commenced. Petitioner approached the Court of learned Judge, Special Court, Patiala, however, after hearing counsel for the parties and finding no merits, the same was declined vide order dated 22.02.2024. Petitioner earlier approached this Court by way of filing CRM-M-20718-2024 praying for grant of bail however, the same was dismissed as withdrawn vide order dated 29.04.2024. Aggrieved by the same, petitioner is before this Court by way of filing the present second petition.

3. Learned counsel for the petitioner has contended that the petitioner has been falsely implicated in the present case. He submits that the alleged recovery is from the public place however, no independent witness has been joined. He further submits that there is blatant violation of provisions of Section 50 of the NDPS Act. To buttress his arguments, he submits that petitioner has no criminal antecedents and the recovery has been planted upon him. He submits that the petitioner is behind the bars from last about 3½ years however, till date, the trial is in progress. He further submits that the prosecution has to file the supplementary challan *qua* the co-accused and there would be a *de novo* trial thus, the right of speedy trial of the petitioner is miserably defeated in this case. He thus, prays for grant of regular bail to the petitioner.

4. Learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner. He submits that the petitioner was arrested on the spot. He submits that a heavy quantity of 1.093 kg of Alprazolam and 90 tablets of pragalab has been recovered from the petitioner thus, the provisions of Section 37 of the NDPS Act are attracted in this case. He submits that the supplementary challan *qua* co-accused is shortly to be filed however, 01 witness remains to be examined



regarding the petitioner. He has placed on record the custody certificate of the petitioner.

5. After hearing counsel for the parties and perusing the record, it is deciphered that the alleged recovery in the present case is 1.093 kg of Alprazolam. The search was made in the public place. Custody certificate filed by the State shows that the petitioner has undergone incarceration of 03 years 04 months and 29 days as on 18.02.2026. It further reflects that there is no other case against the petitioner. Though it is argued by learned State counsel that only 01 has examined out of total 11 prosecution witnesses however, it is also argued that the supplementary statement of co-accused is under progress and the same would be filed. Needless to say that every accused has the fundamental right of speedy trial.

6. 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 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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21it 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.'

7. The Hon'ble Supreme Court in **Ashim @ Asim Kumar Haranath Bhattacharya @ Asim Harinath Bhattacharya @ Aseem Kumar Bhattacharya Vs. National Investigation Agency, 2022(1) SCC 695** has held as under:

"Deprivation of personal liberty without ensuring speedy trial is not consistent with Article 21 of the Constitution of India. While deprivation of personal liberty for some period may not be avoidable, period of deprivation pending trial/appeal cannot be unduly long. At the same time, timely delivery of justice is part of human rights and denial of speedy justice is a threat to public confidence in the administration of justice."

8. The Hon'ble Supreme Court in a recent decision dated 03.07.2024 in **Javed gulam Nabi Shaikh Vs. State of Maharashtra, Criminal Appeal No. 2787 of 2024**, has held that howsoever serious a



crime may be, an accused has the right to speedy trial under the Constitution of India.

9. 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. 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 trial Court/Duty Magistrate. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

19.02.2026
m.sharma

(**RAJESH BHARDWAJ**)
JUDGE

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