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

**CRM-M No.43217 of 2025
Date of decision: 13.01.2026**

Ram Diyal

.....Petitioner

versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Kuljit Singh, Advocate
for the petitioner.

Mr. K.D. Sachdeva, D.A.G., Punjab.

RAJESH BHARDWAJ, J. (Oral)

1. Present second petition has been filed praying for the grant of regular bail to the petitioner in case bearing FIR No.70, dated 02.06.2023 (Annexure P-1), under Sections 20, 29 of NDPS Act (Sections 20(c), 27/27-A of NDPS Act added later on), registered at Police Station City Budhlada, District Mansa.

2. Succinctly the facts of the case are that Surinder Singh, son of Hari Das has disclosed during his interrogation that he along with his partner, namely, Ram Dhari son of Girdhari, had sold narcotic substance, i.e. Ganja, to his relatives, namely, Ramphal and Ram Dayal (petitioner). It was disclosed that Ramphal and Ram Dayal were likely to receive huge quantity of Ganja and in case of raid is conducted, the narcotic substance, i.e. Ganja, could be recovered. On the basis of this disclosure, the raid was conducted at the house of Ram Dayal and 05 bags, each weighing 30



Kgs, i.e. total 150 Kgs of Ganja, was recovered. He failed to produce any licence regarding the conscious possession of the same and thus, the FIR was registered and he was arrested on the spot. On registration of the FIR, the investigation commenced. The petitioner approached the Court of learned Judge, Special Court, Mansa praying for the grant of bail. However after hearing both the sides, finding no merit in the same, the learned Judge, Special Court, Mansa declined the petition filed by the petitioner vide order dated 24.01.2024. Being aggrieved, the petitioner earlier approached this Court by way of CRM-M-53192-2024 and the same was declined by this Court vide order dated 27.05.2025. Hence, the petitioner is before this Court by way of filing the present second petition praying for the grant of regular bail.

3. Learned counsel for the petitioner has contended that co-accused of the petitioner, namely, Ram Dhari, has already been enlarged on bail by this Court vide order dated 24.07.2025 passed in CRM-M-3675-2025. He has submitted that the petitioner has no criminal antecedents as he has never been involved in any other case. He submits that the petitioner is behind bars from last 2 ½ years, however, till date the prosecution could not examine even a single witness and thus, his right of speedy trial is defeated. He has submitted that in the facts and circumstances, the petitioner deserves to be granted bail.

4. *Per contra*, learned counsel for the State, however, has opposed the submissions made by counsel for the petitioner. He has submitted that the recovery effected in the present case is 150 Kgs, which is a commercial quantity and thus, the provisions of Section 37 of NDPS Act are attracted. He, on instructions, has submitted that out of 12



prosecution witnesses, no witness has been examined till date. He has endorsed the fact that co-accused, namely, Ram Dhari, has already been enlarged on bail. He has placed on record custody certificate of the petitioner today in the Court and the same is taken on record.

5. After hearing learned counsel for the parties and perusing the record, it is deciphered that the recovery in the present case is 150 Kg, however the co-accused, has already been enlarged on bail by this Court vide order dated 24.07.2025. The investigation is complete and the charges are framed. Out of 12 prosecution witnesses, none has been examined so far. Custody certificate produced by the learned State counsel would show that the petitioner has suffered incarceration of 2 years, 07 months and 07 days as on 12.01.2026. The petitioner has no criminal antecedents. The quantity recovered in the present case is 150 Kgs, which is commercial in nature.

6. After perusal of the order passed by the Hon'ble Supreme Court in **Mohd Muslim @ Hussain vs. State (NCT of Delhi), 2023 Live Law (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.

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- 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.*

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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 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.

8. 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.”

9. 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.

10. 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 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.

(RAJESH BHARDWAJ)
JUDGE

13.01.2026
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Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No