



CRM-M-39116-2024

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

CRM-M-39116-2024

Date of decision : 07.04.2025

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

Present :- Mr. Ramandeep Singh Gill, Advocate and  
Mr. Harmanjeet Sindh Dhaliwal, Advocate  
for the petitioner.

Mr. J.S. Arora, D.A.G., Punjab assisted by  
ASI Rajinder Singh.

**RAJESH BHARDWAJ, J. (Oral)**

1. Present petition has been filed by the petitioner praying for grant of regular bail in case FIR No.31 dated 17.04.2021, under Sections 21, 22, 29 of NDPS Act, 1985 and Sections 392, 395, 384 of IPC (Sections 511, 465, 467, 460, 471 and 120-B IPC were added lateron) and Section 25 of Arms Act, registered at Police Station Sadar Kurali, District SAS Nagar.

2. Succinctly the facts of the case are that the police on 17.04.2021, received a secret information to the effect that Karanbir Singh @ Kanna and others were involved in committing murder, dacoity, extortion and drug smuggling. They, in connivance with each had formed an organized gang for extorting money from the innocent people. They snatched vehicles on gun point and used the same for smuggling of heroin and synthetic drugs. If barricading is laid, then they could be arrested along with contraband and weapons. On receiving the secret information,



the FIR was registered and raiding team was constituted. The barricading was laid by the police party wherein two vehicles i.e. Scorpio and a white coloured Verna car were seen coming. They were signalled to stop. However, the inmates of the car tried to escape. One of the inmate also jumped in the canal. The police, however, succeeded in apprehending the inmates. The person who jumped from the Scorpio car, on asking disclosed his name as Karanvir Singh @ Kanna (petitioner). On his search 7.65 mm pistol along with 12 cartridges of the same bore were recovered. From search of the Scorpio car, 260 grams of heroin wrapped in a polythene lying underneath the seat of driver was also recovered. They failed to produce any licence for possession of the weapon and contraband and thus, FIR was registered and they were arrested on the spot. On registration of FIR, investigation commenced. Challan was presented and on framing of charges, trial commenced. Thereafter, the petitioner approached the Ld. Additional Sessions Judge, SAS Nagar for grant of bail, however, after hearing both the sides, the same was declined by the Learned Additional Sessions Judge vide order dated 26.07.2024. Aggrieved by the same, the petitioner is before this Court by way of filing the present petition.

3. It has been vehemently contended by counsel for the petitioner that the petitioner has been falsely and frivolously implicated in the present case. He submits that recovery as alleged is totally planted upon the petitioner by the investigating agency. He submits that the petitioner was not arrested from the place as was shown by the prosecution. He submits that while effecting the alleged recovery of 260 grams of heroin, there is total non-compliance of provisions of Section 50 of the NDPS Act. He submits that out of 07 accused, 06 accused have



already been granted bail. It is submitted that petitioner is behind bars since 17.04.2021 and thus, has completed and incarceration of about 04 years but the prosecution has not been able to conclude the trial till date and his right of speedy trial is totally defeated. He submits that though the petitioner is falsely implicated in 02 more cases, however, he is on bail in those cases. 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 along with co-accused. He was arrested on spot and recovery of pistol along with 12 cartridges were effected from his person. He submits that 260 grams of heroin was also recovered from the Scorpio car in which petitioner was travelling. He submits that recovery effected in the present case is 260 grams of heroin, which is a commercial quantity, and thus provisions of Section 37 of NDPS Act, are attracted. He submits that in all there are total 20 accused persons, out of which 10 accused persons are arrested and out of the arrested accused, 07 accused have been granted bail. He, on instructions, has submitted that out of 49 prosecution witnesses, 36 witnesses remains to be examined. He has produced the custody certificate of the petitioner. He further submits that the there are 02 more cases against the petitioner i.e. FIR No.235 dated 26.10.2018 under Sections 399 & 402 of IPC and FIR No.221 dated 17.10.2018 under Section 379-B IPC, however, he is on bail in those cases He submits that in the overall facts and circumstances of the case, petitioner does not deserve to be granted bail.



5. On hearing counsel for the parties and perusing the record, it is deciphered that the petitioner was arrested on 17.04.2021 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 03 years, 11 months and 26 days as on 06.04.2025. As submitted by learned State counsel, the petitioner is involved in 02 more cases i.e. FIR No.235 dated 26.10.2018 under Sections 399 & 402 of IPC and FIR No.221 dated 17.10.2018 under Section 379-B IPC, however, he is on bail in those cases. Needless to say that the petitioner is behind bars from last about 04 years, however, till date not even half of the witnesses have been examined by the trial Court.

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”<sup>22</sup> (also see Donald Clemmer’s ‘The Prison Community’ published in 1940<sup>23</sup>). 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 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.

**07.04.2025**  
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**( RAJESH BHARDWAJ )**  
**JUDGE**

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