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

CRM-M-13206-2025

Date of decision : 24.07.2025

Tarsem Singh @ Laddi

....Petitioner

versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Shivender Pal, Advocate for
Mr. B.S Bhalla, Advocate
the petitioner.

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

RAJESH BHARDWAJ, J. (Oral)

1. Present petition has been filed for grant of regular bail in case FIR No.134 dated 20.07.2018 (date of FIR wrongly mentioned as 20.07.2017 in the impugned order Annexure P-1), under Sections 22 of Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Cantonment, District Amritsar.

2. Succinctly the facts of the case are that the Police party while on patrolling on 20.07.2018 saw a person coming on foot. On seeing the police, he got perplexed and threw a wrapped packet, taking it out from the right pocket of his pants, on the ground. On suspicion, he was stopped by the police party and on asking he disclosed his name as Tarsem Singh @ Laddi (present petitioner). He was suspected to be carrying some contraband in the wrapped packet thrown by him. On giving the offer, search of the same was conducted and on conducting the search 830 intoxicating tablets were recovered from the same. He failed to produce any license regarding possession of the same and hence, the FIR was



registered and the petitioner was arrested on spot. The investigation commenced. Samples taken were sent to the FSL. On receipt of FSL report, the tablets were found to be containing 105 grams of Alprazolam. The petitioner was granted the interim bail by learned trial Court vide order dated 26.09.2018. However, as the petitioner did not surrender hence, the same was cancelled on 12.10.2021. Thereafter, he was arrested on 16.07.2024. He approached the Learned Judge, Special Court, Amritsar praying for grant of bail, however, finding no merit, the same was declined after hearing both the sides by Learned Judge, Special Court, Amritsar vide order dated 31.01.2025. Aggrieved by the same, the petitioner is before this Court by way of filing of present second petition for grant of bail.

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 has been effected from a public place, however, no independent witness was joined by the investigating agency. He further submits that the petitioner though was granted interim bail by the trial Court, however, due to COVID-19 pandemic, he could not surrendered. Thereafter, the petitioner was arrested on 16.07.2024, and since then he is in custody. He submits that petitioner is behind bars from last more than 01 year, however, the trial has not even commenced. He submits that petitioner has been falsely implicated in 04 more cases, however, he is on bail in those cases. He thus, submits that in the facts and circumstances of the case, the petitioner deserves to be granted bail.

4. Per contra, learned State counsel has opposed the submissions made by the counsel for the petitioner and submits that the recovery effected from the petitioner is 105 grams of Alprazolam, which



is a commercial quantity and thus, the provisions of Section 37 of NDPS Act, are attracted in the present case. She submits that the petitioner was on interim bail and he jumped the same and thereafter, he was arrested after about 06 years of the registration of the FIR. She on instructions submits that out of 09 prosecution witnesses, none witness has been examined so far. She has produced the custody certificate of the petitioner on record.

5. After hearing counsel for the parties and perusing the record, it is deciphered that the alleged recovery effected from the petitioner is 105 grams of Alprazolam, the quantity above 100 grams falls under the category of commercial quantity. As per custody certificate, the petitioner has suffered an incarceration of 01 year, 02 months and 11 days as on 23.07.2025. It further shows that though the petitioner is involved in other cases, however, he is on bail in those cases. As submitted, out of 09 prosecution witnesses, none witness has been examined so far.

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 conclusion of the trial and on the appreciation of evidence to be led by both the parties before the trial Court.

8. This Court would refrain itself from commenting anything on the merits of the case. 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 to the petitioner. 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.

24.07.2025

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(**RAJESH BHARDWAJ**)
JUDGE

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