



IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CRM-M-15523-2025  
DECIDED ON: 22.04.2025

RANJIT SINGH ALIAS KAKA

.....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Malkiat S. Hundal, Advocate  
for the petitioner. (through Hybrid Mode).

Mr. Jasjit Singh Rattu, DAG, Punjab.

**SANDEEP MOUDGIL, J (ORAL)**

1. **Relief sought**

The jurisdiction of this Court has been invoked under Section 483 of BNSS, 2023 for regular bail in FIR No. 129 dated 20.6.2022 U/s 22, 25, 29, 27-A, 61, 85 of NDPS Act, registered at Police Station Special Task Force, District S.A.S. Nagar (Mohali) (Annexure P-1/T).

2. Prosecution story setup in the present case as per the version in the FIR as under:-

*“The Chief Officer Police station STF Phase-4, SAS Nagar (Mohali), "Jai Hind, Today I ASI alongwith SI Dilsag Singh 835/Amri Sahri, SI Baljinder Singh 1035/Taran Taran, SI Vinod Sarma 29/CP Amritsar ASI Rohit Sharma 2620/Amritsar A.S.I Nirmail Singh 914/Asr: city, A.S.I Samsher Singh 3216/Asr: City, H.C. Ajay Kumar 2967/Amritsar City with Computer Operator, on Government Vehicle No. PB65-AN- 6790 Balero Camper whose driver is*

*HC Jatinder Singh 3041/ Amritsar City, near Majitha Road Bypass Amritsar in connection with an intelligence report that a special informant came to me and informed that Balwinder Singh alias Kala s/o Tarlok Nath a resident of Tung Bala Majitha Road, Amritsar, that in the city of Amritsar, he supplies intoxicant tablets to the customer on a motor cycle and even today riding on a motorcycle number PB02ED-2002 color black marked TVS, he is coming to give intoxicant tablets to a customer near Sehnaï Palace Majitha Road, Amritsar, if the road is blocked by police officer he can be apprehended alongwith drugs, on which I ASI shared an information with fellow employees and reached Majitha Road Bypass Shenai Palace Majitha Road Amritsar, a secret blockade was set up where after some time the motorcycle of number and description of person told by the informant, a young boy on motorcycle, number PB02ED-2002 color black marked TVS was seen coming. On fuel tank of motorcycle, one black weighty envelope was kept. I ASI, With the help of fellow employees, detained the young man and confiscated his motorcycle number PB02ED-2002 color black marked TVS and asked the name of the young man riding the motorcycle, then the said young man told his name Balwinder Singh alias Kala s/o Tarlok Nath resident of House No. 241/1 Street No. 7 Tung Bala Majitha Road Amritsar. To whom A.S.I. Introducing himself, said that "I ASI Surinder Kumar 1052/Taran Taran, I am currently posted at STF Border Range, Amritsar, I am wearing uniform and my name plate is attached, I have received information that you have intoxicant tablets. In this regard, you and your motorcycle number PB02ED-2002 should be searched, but you have the legal right that you, and your motorcycle number PB02ED-2002 whose search can be done by gazetted officer or magistrate and I can arrange them. On which accused said to call the authorized officer, on which A.S.I. called from his mobile phone to Mr. Sikandar Singh PPS DSP on his mobile phone and requested him to come on the spot after describing the whole incident. After some time DSP on the official*

vehicle along with the staff came to the place. I ASI informed DSP about the said situation, on which DSP while identifying himself told that I DSP Sikandar Singh posted on STF Border, Amritsar, and I am wearing uniform and I am a gazetted officer appointed by Punjab Government, Amritsar. I have received information that you have occupied some intoxicating tablets. That is why you and your motorcycle number PB02ED 2002 are to be searched, but you have the legal right to get search in the presence of a magistrate or any other gazetted officer. Which I can arrange. On which suspected told that I have full confidence on you, you can make my search. On which a mandatory consent notice was prepared under Section 50. On which the accused signed his signature. Before searching the accused, an attempt was made to include a public witness but no one joined due to fear of enmity. Then the ASI was ordered by the DSP to carry out the search of the accused. When the black envelope held in the hands of the accused was searched, it contained intoxicant tablets marked Alprasafe 0.5 containing boxes of Aprazolam IP 0.5 mg. The total number of boxes was 25, out of which 15 boxes had batch numbers PCCAA936 and expiry date was 02/2025 and remaining 10 boxes batch number was PCCAA722 and expiry date was 007/2023. There were 60 sheets of tablets each box had a total of 600 intoxicant tablets. The total number of tablets in 25 boxes was 15000, which was recovered along with the narcotic tablets. After preparing a cloth parcel in a black envelope, the ASI sealed the parcel with his seal letter SS and Shri Sikander Singh PPS DSP STF, Border Range Amritsar sealed the parcel with his seal letter SS. A sample seal was prepared separately. The ASI used the seal later and referred to ASI Nirmail Singh 914/Amritsar and the DSP kept his seal with him. A parcel of cloth containing 25 boxes of intoxicant tablets, marked Alprasafe 0.5, stamped SK and SS alongwith sample stamps as evidence, was taken to police station through separate parcel. Motorcycle number PB02ED-2002, color black marked TVS, the above was taken to the police station under

*the custody of the police. Balwinder Singh @ Kala s/o Tarlok Nath, resident of house number 241/1, Gali No. 7, Tanga Bala Majitha Road, Amritsar 8, has kept narcotics pills and committed crime 22,25 of the NDPS Act. Against the accused, Balwinder Singh @ Kala Putra Tarlok Nath, resident of Tunga Bala Majitha Road, Amritsar, above, a case has been registered. The photo copy of the complaint has been sent to the ASI through mobile phone WhatsApp and the email ID of the police station .i.e. psstfsasnagar@gamil.com. The case number should be sent to ASI's WhatsApp number 98720-67424 and email ID [sk3532387@gmail.com](mailto:sk3532387@gmail.com) and special reports should be issued and sent to the service of the Area Magistrate, Control Room and concerned Officers.”*

### 3. Contentions

#### On behalf of the petitioner

Learned counsel for the petitioner *inter alia* contends that the petitioner has been falsely implicated in the present case and he has not been apprehended at the spot. Initially, no contraband breaching the threshold of NDPS Act was recovered from his possession and he has been implicated on the basis of disclosure statement of one Anil Kumar and thereafter, the contraband was planted upon the petitioner. It is further submitted that co-accused namely, Balwinder Singh alias Balwinder Kumar alias Kala, Prashant Soni and Lakshay Dhawan have already been granted the concession of regular bail by a Coordinate Bench of this Court vide orders dated 06.08.2024, 27.08.2024 and 06.09.2024 (collectively Annexure P-2) passed in CRM-M-36751-2024, CRM-M-40161-2024 and CRM-M-42592-2024 respectively.

**On behalf of the State**

Learned State counsel has filed custody certificate in the Court today which is taken on record and opposes the grant of regular bail to the petitioner on the ground that huge quantity of 21200 intoxicant tablets was recovered from the present petitioner, however, he could not controvert the fact that similarly situated co-accused, namely, Balwinder Singh alias Balwinder Kumar alias Kala, Prashant Soni and Lakshay Dhawan have already been granted the concession of regular bail by a Coordinate Bench of this Court vide orders dated 06.08.2024, 27.08.2024 and 06.09.2024 (collectively Annexure P-2) passed in CRM-M-36751-2024, CRM-M-40161-2024 and CRM-M-42592-2024 respectively.

**4. Analysis**

Having heard learned counsel for the parties and after perusing the record of the case, it transpires that the petitioner is behind the bars since 07.07.2022 as per custody certificate and investigation is complete, the final report under Section 173 Cr.P.C. was presented before the concerned Court on 03.01.2023 and since than no witness has been examined out of total 22 prosecution witnesses. The culpability, if any, would be determined at the time of trial, therefore, no useful purpose shall be served by further detaining the petitioner as the same is violative of his rights enshrined under Article 21 of the Constitution of India.

The foundational concept of the criminal jurisprudence is to ensure speedy trial. The Hon'ble Supreme Court has repeatedly reiterated that right to speedy trial is enshrined in Article 21 of the Constitution of India. Speedy trial would cover investigation, enquiry, trial, appeal, revision

and retrial etc. i.e. everything starting with the accusation against the accused and expiring with the final verdict of the last Court.

It has further been held in law that if a person is deprived of his liberty under a procedure which is not reasonable, fair, or just, such deprivation would be violative of his fundamental right under Article 21 of the Constitution of India. The procedure so prescribed must ensure speedy trial for determination of the guilt of such person. Some amount of denial of personal liberty cannot be avoided, but if the period of deprivation pending trial becomes excessively long, the fairness guaranteed by Article 21 of the Constitution of India would come into play.

In this regard, reference is being made to the law laid down by the Hon'ble Supreme Court in the context of right to speedy trial under Article 21 of the Constitution of India on the following decision:- *Akhtari Bi Vs. State of M.P., (2001) 4 SCC 355, Surinder Singh Alias Shingara Singh vs. State of Punjab, (2005) SCC (Crl) 1674, P. Ramachandra Rao vs. State of Karnataka, (2002) 4 SCC 578, Babu Singh and others vs. State of U.P., (1978) 1 SCC 579, Takht Singh and others vs. State of M.P., (2001) 10 SCC 463; Special Leave to Appeal (Crl) No.2356 of 2010, Kushal Singh vs. State of U.P. (2JJ.) and Fazal vs. State of Uttar Pradesh, (2012) 5 SCC 752.*

5. **RELIEF:**

In view of the discussions made hereinabove, the petitioner is hereby directed to be released on regular bail on him furnishing bail and surety bonds to the satisfaction of the trial Court/Duty Magistrate, concerned.

In the afore-said terms, the present petition is hereby allowed.

However, it is made clear that anything stated hereinabove shall not be construed as an expression of opinion on the merits of the case.

**22.04.2025**

*Poonam Negi*

**(SANDEEP MOUDGIL)  
JUDGE**

*Whether speaking/reasoned*

*Yes/No*

*Whether reportable*

*Yes/No*