



CRM-M-30623-2025

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

CRM-M-30623-2025

Date of decision : 04.07.2025

**Prem Pal****.....Petitioner****versus****State of Haryana****..... Respondent****CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ**

Present :- Mrs. Kiran Bala Jain, Advocate  
for the petitioner.

Mr. Tanuj Sharma, A.A.G., Haryana.

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

1. This is the third petition that has been filed for grant of regular bail to the petitioner in case FIR No.48 dated 08.05.2023, under Sections 20(c) & 29 of Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Mansa Devi, Panchkula.
2. Succinctly the facts of the case are that on 08.05.2023, the police received a secret information to the effect that Prem Pal S/o Sohan Lal was indulged in supply of intoxicant medicines. It was informed that he was to come up from Gymkhana Club Saketari Road's side at about 8:00 p.m. to supply intoxicant medicine and if the raid is conducted, he could be apprehended along with the contraband. On finding the information reliable, the raiding party was constituted and they reached at the place disclosed. On reaching at the place disclosed, the person as disclosed by the secret informer was found present who was carrying a black coloured bag on his right shoulder. He was suspected to be carrying some contraband. The police party stopped him and on asking, he



disclosed his name as Prem Pal. He was suspected to be carrying some contraband in the bag and thus, he was given an offer to be searched. On conducting the search, 24000 lomotil intoxicant tablets were recovered. He failed to produce any licence regarding possession of the tablets and the intoxicant tablets and thus, he was arrested on spot. On registration of the FIR, investigation commenced. The samples taken were sent to the FSL. The petitioner approached the learned Additional Sessions Judge, Panchkula for grant of bail, however, after hearing both the sides, the same was declined by the learned Additional Sessions Judge, Panchkula vide order dated 02.12.2023. Aggrieved by the same, the petitioner earlier approached this Court twice by way of filing of CRM-M-3562-2024 and CRM-M-3552-2025, which were dismissed as withdrawn by this Court. Hence, petitioner is before this Court by way of filing the present third petition.

3. It has been vehemently contended by counsel for the petitioner that the petitioner has been falsely implicated in the present case. She submits that the FIR has been registered on the basis of secret information. She submits that there is violation of Section 42 of NDPS Act and compliance of Section 50 of NDPS Act, was mandatory, however, there is violation of the same as well. She submits that the petitioner is behind bars from the date of his arrest and thus, he had completed an incarceration of more than 02 years, however, there is no material progress in the trial. She submits that co-accused, namely, Vikas Gupta, has already been granted bail by this Court vide order dated 18.11.2024 passed in CRM-M-48895-2023. She submits that the petitioner has no criminal antecedents and thus, 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 specific secret information was received regarding the petitioner on the basis of which, he was arrested along with the contraband. He submits that the recovery effected from the petitioner is 24000 intoxicant tablets which weigh 1.344 Kg of Diphenoxylate Hydrochloride. He submits that the contraband recovered from the petitioner falls under the category of commercial quantity and thus, provisions of Section 37 of NDPS Act, are attracted. He, on instructions, has submitted that out of 20 prosecution witnesses, only 03 witnesses have been examined. He has produced the custody certificate of the petitioner.

5. On hearing counsel for the parties and perusing the record, it is deciphered that the present FIR was lodged on the basis of secret information. The petitioner was arrested on 08.05.2023 and since then he is behind bars. As submitted before this Court, only 03 witnesses have been examined out of total 20 prosecution witnesses. Admittedly, co-accused, Vikas Gupta, is already on bail. The perusal of the custody certificate shows that the petitioner has suffered incarceration of 02 years, 01 month and 21 days as on 02.07.2025. It further reflects that the petitioner has no criminal antecedents. There is no gain saying that every accused, *de hors* his antecedents, has a fundamental right of speedy trial.

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 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 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.

04.07.2025  
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( RAJESH BHARDWAJ )  
JUDGE

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