



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

**CRM-M No.8764 of 2025  
Date of decision: 10.09.2025**

**Kala Ram @ Kala Singh**

**.....Petitioner**

**versus**

**State of Punjab**

**..... Respondent**

**CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ**

**\*\*\*\*\***

Present :- Mr. Yashpal Thakur, Advocate  
for the petitioner.

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

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

1. Present third petition has been filed praying for the grant of regular bail to the petitioner in case bearing FIR No.9, dated 10.01.2024, under Sections 22/29/61/85 of NDPS Act, 1985, registered at Police Station City Sunam, District Sangrur.

2. Succinctly the facts of the case are that the police party while on patrolling on 10.01.2024, saw a person, who was sitting beside the bar, near the grain market Sunam. On seeing the police, he got perplexed and threw a plastic bag on the ground and tried to escape. On suspicion, he was stopped and on asking, he disclosed his name to be Kala Ram (petitioner). He was suspected to be carrying some contraband in the plastic bag thrown by him and thus, the search of the same was conducted.



On conducting the search, 750 intoxicant tablets containing Tramadol were 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 samples taken were sent to the FSL. On receiving the FSL report, the challan was presented and on framing of charges, the trial commenced. The petitioner approached the Court of learned Judge, Special Court, Sangrur, praying for the grant of bail. However after hearing both the sides and finding no merit in the same, the learned Judge, Special Court, Sangrur declined the bail application filed by the petitioner vide order dated 29.05.2024. Being aggrieved, the petitioner earlier approached this Court by way of filing CRM-M-61985-2024 praying for the grant of bail, however the same was dismissed as withdrawn vide order dated 16.12.2024 and thereafter, he filed CRM-M-1483-2025 praying for the grant of interim bail for attending the marriage of his daughter, however the same was allowed vide order dated 17.01.2025. Hence being aggrieved, the petitioner is again before this Court by way of filing the present petition praying for the grant of regular bail.

3. Learned counsel for the petitioner has vehemently contended that the petitioner has been falsely implicated in the present case. He has submitted that the alleged recovery has been effected from the public place, however no independent witness was joined. He has submitted that there is a violation of mandatory provisions of Section 50 of NDPS Act in conducting the search. He has submitted that the recovered contraband weighs 284.5 grams of Tramadol, whereas the commercial quantity is



about 250 grams as per the schedule of NDPS Act. He has submitted that the petitioner is behind bars since the date of his arrest, i.e. 10.01.2024, however there is no material progress in the trial. He has submitted that though the petitioner is involved in 04 other cases, however he is on bail in those cases. 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 learned counsel for the petitioner. She has submitted that the recovery effected from the petitioner is 283.5 grams of Tramadol, which is a commercial quantity, and thus the provisions of Section 37 of NDPS Act are attracted. She, on instructions, has submitted that out of 13 prosecution witnesses, 06 witnesses still remain to be examined. She has produced custody certificate of the petitioner today in the Court and the same is taken on record.

5. Heard.

6. After hearing learned counsel for the parties and perusing the record, it is deciphered that the petitioner is behind bars since the date of his arrest, i.e. 10.01.2024. The recovery effected from the petitioner is 283.5 grams of Tramadol, which is a commercial quantity. Custody certificate produced would show that the petitioner has suffered incarceration of 01 year, 07 months and 18 days as on 09.09.2025. It further reflects that the petitioner is involved in 04 other cases, however he is on bail in all the cases. Out of 13 prosecution witnesses, 06 witnesses remain to be examined.

7. 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.”*

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.

9. 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.

**10.09.2025**

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Whether speaking/reasoned

:

Yes/No

Whether reportable

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Yes/No

**(RAJESH BHARDWAJ)  
JUDGE**