

2025:PHHC:016822



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

**CRM-M-5607-2025  
DECIDED ON: 05.02.2025**

RAVI SINGH

.....PETITIONER

**VERSUS**

STATE OF PUNJAB

.....RESPONDENT

**CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL**

Present: Mr. Parminder Singh Sekhon, Advocate for the petitioner.

Mr. Rubal Pawar, AAG Punjab

**SANDEEP MOUDGIL, J (ORAL)****1. Relief Sought**

The jurisdiction of this Court has been invoked for the 2<sup>nd</sup> time under Section 439 Cr.P.C (Section 483 BNSS 2023) praying for grant of regular bail to the petitioner in case FIR No.0233 dated 23.12.2023 under sections 22 & 29 of NDPS Act, 1985 and Section 408 of IPC, 1860 registered at Police Station City-1, Sangrur, District Sangrur.

**2. Facts**

Facts as narrated in the FIR reads as under:-

*“Copy of recorded message, Officer Incharge, Police Station City 1, Sangrur, Jai Hind, Today, I, SI alongwith HC Jaswinder Singh No.1259/Sgr., HC Sandeep Kumar No.234/Sgr, Kuldip Singh No. 1514/Sgr through Govt. vehicle Scorpio Gateway PB-18-B.A.-3707 whose driver SC Anwar Khan No.817/Sgr. in connection with patrolling and checking of suspenected persons were on duty in jurisdiction a bridge of minor canal Ajit Nagar Basti, Sangrur were going towards Ram Nagar Basti Sangrur and when Police Party reached above residential area of Ajit Nagar towards Ram Nagar Basti at about 01.30 P.M. then from front side right hand side a • person carrying plastic envelope of black colour in his right hand was*

coming on the edge of track who after seeing the vehicle of police party threw plastic envelope on the left edge of footpath in the bushes. Then mouth of envelope was opened then some leaves of the tablets were scattered, then I got stopped vehicle with the help of colleague Police officials catch hold of said youngman and inquired his name and address who told his name Karan Chavriya son of Suraj Parkash resident of Ganga Ram Basti Sangrur. Then I took him near black coloured plastic envelope took out leaves from envelope and scattered packs of tablets and checked which were found to be Tramadol Hcl SR Tablets IP 100 mg TMD- 100 SR. Then I, SI, after counting all the tablets packs which were 90 packs in total and each pack contained 10 narcotics tables Make Tramadol Hcl SR Tablets IP 100 mg.TMD-100 Sr on which Batch No TPT-00652 Mfg.06/2023 Exp. 05/2025 MRP Rs. 180.00 per 10 tabs. INCL all taxes was written were recovered. Then, I, SI put all the 90 packs containing 10 tables each total 900 narcotics tablets Tramadol Hcl SR Tablets IP 100 mg TMD-100 SR in the same plastic envelope of black colour total 90 packs total 900 narcotics tablets Tramadol Hcl SR Tablets IP 100 mg. TMD-100 SR 6 in cloth bag prepared bundle and on the said bundle of cloth bag put my stamp with the words HS and sample of stamp was prepared and after using the stamp was handed over to the HC Jaswinder Singh No. 1259/Sgr, then, I, SI, the above said bundle of cloth containing 90 packs total 900 narcotics tables Tramadol Hcl SR Tablets IP 100 mg. TMD-100 Sr and sample of stamp through separate recovery memo was taken into police custody on which HC Jaswinder Singh No. 1259/Sgr. and HC Sandeep Kumar No.234/Sgr. appended their signatures as witness. Karan Chavriya above said keeping in his possession the narcotics committed offence under Sections 22, 61, 85 of NDPS Act. I for registration of case against Karan Chavriya son of Suraj Parkash resident of Ganga Ram Basti, Sangrur got typed and took print out of message and sent the same through SC Kuldip Singh No.1514/Sgr. to Police Station. After registration of case, its number be intimated. Intimation to Control Room be sent through email. I, SI, alongwith colleague Police Officials alongwith accused am busy in investigation at the spot. Jurisdiction Footpath of minor canal Ram Nagar Basti Sangrur Time 03.15 P.M. Sd/- SI Harchetan Singh No.510/Sgr. CIA Sangrur Dated 23.12.2023.”

**3. Contentions:**

**On behalf of the petitioner**

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the instant case based solely on the disclosure

statement made by the co-accused, Gurpreet Singh. Counsel further contends that the alleged seizure of contraband, specifically 1125 tablets containing Alprazolam, was forwarded to the Forensic Science Laboratory (FSL) for chemical analysis. According to the FSL report dated 05.02.2024, each tablet weighs 100 mg, resulting in a total recovery of 112.5 grams of Alprazolam, which is marginally above the threshold for non-commercial quantity.

**On behalf of the State**

Learned State counsel has filed the custody certificate of the petitioner, which is taken on record. He prays for dismissal of the present petition stating that huge quantity of contraband was recovered from the petitioner, therefore, he does not deserve the concession of bail.

4. **Analysis**

Considering the custody period undergone by the petitioner i.e., 1 year, 1 months and 9 days and is not involved in any other case, as is evident from the perusal of the custody certificate, meaning thereby he is a person of clean antecedents added with the fact that investigation is complete, challan stands presented on 22.05.2024, charges have been framed on 29.11.2024 and out of total 22 prosecution witnesses, 3 have been given and 19 are to be examined, meaning thereby the conclusion of trial shall take sufficient time, no useful purpose would be served by keeping the petitioner behind bars for uncertain period, wherein “*bail is a rule and jail is an exception*” and it would also violate the principle of right to speedy trial and expeditious disposal under Article 21 of Constitution of India, as has been time and again discussed by this Court, while relying upon the judgment of the Apex Court passed in ***Dataram Singh vs. State of Uttar Pradesh & Anr. 2018(2) R.C.R. (Criminal) 131***. Relevant paras of the said judgment is reproduced as under:-

*“2. A fundamental postulate of criminal jurisprudence is the presumption of innocence, meaning thereby that a person is believed to be innocent until found guilty. However, there are instances in our criminal law where a reverse onus has been placed on an accused with regard to some specific offences but that is another matter and does not detract from the fundamental postulate in respect of other offences. Yet another important facet of our criminal jurisprudence is that the grant of bail is the general rule and putting a person in jail or in a prison or in a correction home (whichever expression one may wish to use) is an exception. Unfortunately, some of these basic principles appear to have been lost sight of with the result that more and more persons are being incarcerated and for longer periods. This does not do any good to our criminal jurisprudence or to our society.*

*3. There is no doubt that the grant or denial of bail is entirely the discretion of the judge considering a case but even so, the exercise of judicial discretion has been circumscribed by a large number of decisions rendered by this Court and by every High Court in the country. Yet, occasionally there is a necessity to introspect whether denying bail to an accused person is the right thing to do on the facts and in the circumstances of a case.*

*4. While so introspecting, among the factors that need to be considered is whether the accused was arrested during investigations when that person perhaps has the best opportunity to tamper with the evidence or influence witnesses. If the investigating officer does not find it necessary to arrest an accused person during investigations, a strong case should be made out for placing that person in judicial custody after a charge sheet is filed. Similarly, it is important to ascertain whether the accused was participating in the investigations to the satisfaction of the investigating officer and was not absconding or not appearing when required by the investigating officer. Surely, if an accused is not hiding from the investigating officer or is hiding due to some genuine and expressed fear of being victimised, it would be a factor that a judge would need to consider in an appropriate case. It is also necessary for the judge to consider whether the accused is a first-time offender or has been accused of other offences and if so, the nature of such offences and his or her general conduct. The poverty or the deemed indigent status of an accused is also an extremely important factor and even Parliament has taken notice of it by incorporating an Explanation to section 436 of the Code of*

*Criminal Procedure, 1973. An equally soft approach to incarceration has been taken by Parliament by inserting section 436A in the Code of Criminal Procedure, 1973.*

*5. To put it shortly, a humane attitude is required to be adopted by a judge, while dealing with an application for remanding a suspect or an accused person to police custody or judicial custody. There are several reasons for this including maintaining the dignity of an accused person, howsoever poor that person might be, the requirements of Article 21 of the Constitution and the fact that there is enormous overcrowding in prisons, leading to social and other problems as noticed by this Court in *In Re-Inhuman Conditions in 1382 Prisons*, 2017(4) RCR (Criminal) 416: 2017(5) Recent Apex Judgments (R.A.J.) 408 : (2017) 10 SCC 658*

*6. The historical background of the provision for bail has been elaborately and lucidly explained in a recent decision delivered in *Nikesh Tara chand Shah v. Union of India*, 2017 (13) SCALE 609 going back to the days of the Magna Carta. In that decision, reference was made to *Gurbaksh Singh Sibbia v. State of Punjab*, (1980) 2 SCC 565 in which it is observed that it was held way back in *Nagendra v. King-Emperor*, AIR 1924 Calcutta 476 that bail is not to be withheld as a punishment. Reference was also made to *Emperor v. Hutchinson*, AIR 1931 Allahabad 356 wherein it was observed that grant of bail is the rule and refusal is the exception. The provision for bail is therefore age-old and the liberal interpretation to the provision for bail is almost a century old, going back to colonial days.*

*7. However, we should not be understood to mean that bail should be granted in every case. The grant or refusal of bail is entirely within the discretion of the judge hearing the matter and though that discretion is unfettered, it must be exercised judiciously and in a humane manner and compassionately. Also, conditions for the grant of bail ought not to be so strict as to be incapable of compliance, thereby making the grant of bail illusory.”*

Therefore, to elucidate further, this Court is conscious of the basic and fundamental principle of law that right to speedy trial is a part of reasonable, fair and just procedure enshrined under Article 21 of the Constitution of India. This constitutional right cannot be denied to the accused as is the mandate of the Apex court in “***Hussainara Khatoon and ors (IV) v.***

Home Secretary, State of Bihar, Patna”, (1980) 1 SCC 98. Besides this, reference can be drawn upon that pre-conviction period of the under-trials should be as short as possible keeping in view the nature of accusation and the severity of punishment in case of conviction and the nature of supporting evidence, reasonable apprehension of tampering with the witness or apprehension of threat to the complainant.

5. **DECISION:**

In view of the discussions made hereinabove, the petitioner is hereby directed to be released on regular bail on 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.

(SANDEEP MOUDGIL)  
JUDGE

05.02.2025

*Meenu*

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>