

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA**Cr. MP (M) No. 2234 of 2025****Reserved on: 13.10.2025****Date of Decision:17.10.2025**

Shyam Lal**...Petitioner****Versus****State of Himachal Pradesh****...Respondent**

Coram***Hon'ble Mr Justice Rakesh Kainthla, Judge.******Whether approved for reporting?¹ No*****For the Petitioner : Mr Yashveer Singh Rathore,
Advocate.****For the Respondent/State : Mr Lokender Kutlehria,
Additional Advocate General.**

Rakesh Kainthla, Judge

The petitioner has filed the present petition for seeking regular bail in FIR No. 211 of 2023 dated 23.12.2023, registered at Police Station Jawali, District Kangra, H.P., for the commission of offences punishable under Sections 20, 25 and 29 of the Narcotic Drugs and Psychotropic Substances Act (for short 'NDPS' Act).

2. It has been asserted that, as per the prosecution, the petitioner was driving a vehicle bearing registration No. HP37H-0393 on 23.12.2023. The police intercepted the vehicle and recovered 1.043 Kilograms of Charas from the dashboard of the

vehicle. The allegations are false, and the petitioner is not connected to the commission of crime. The grounds of arrest were not communicated to the petitioner. The petitioner has been in judicial custody for the last one year and nine months. The prosecution has failed to complete the evidence; hence, it was prayed that the present petition be allowed and the petitioner be released on bail.

3. The petition is opposed by filing a status report asserting that the police party was on patrolling duty on 23.12.2023. They received a secret information at 12:50 p.m. that a vehicle bearing registration No. HP37H-0393 was transporting the charas, and a huge quantity could be recovered by its search. The police reduced the information into writing and sent it to the Sub Divisional Police Officer (SDPO), Jawali, District Kangra, H.P. The police associated Bharat Singh and Ardesb Kumar as independent witnesses and waited for the car, which reached the spot at 1:30 p.m. The police stopped the car. The driver identified himself as Sham Lal (present petitioner). The police searched the vehicle and recovered a transparent polyzip from the dashboard containing 1.043 kilograms of charas. The police seized the charas and arrested the petitioner. The charas was

sent to SFSL, Junga, and as per result of analysis, it was found to be an extract of cannabis and a sample of charas. The petitioner named Lata as a supplier and Sohan Singh as a receiver of the charas. The police arrested them. The charge sheet has been filed before the Court. Fifteen witnesses have been examined, and the matter is now listed for recording the statements of prosecution witnesses on 17.11.2025. F.I.R. No. 16 of 2016, dated 20.02.2016, was registered against the petitioner at Police Station Aut, District Mandi, for the commission of an offence punishable under Section 20 of the NDPS Act. He would indulge in the commission of a similar offence in case of his release on bail. Hence, the status report.

4. I have heard Mr Yashveer Singh Rathore, learned counsel for the petitioner and Mr Lokender Kutlehria, learned Additional Advocate General, for the respondent/State.

5. Mr Yashveer Singh Rathore, learned counsel for the petitioner, submitted that the petitioner is innocent and that he was falsely implicated. The allegations made against the petitioner are false. The grounds of arrest were not communicated to him, and his arrest is illegal. The charas was

weighed with the carry bag, and the actual quantity of charas may be less than one kilogram. The report of the analysis shows a discrepancy regarding the weight of the sample. There is a delay in the progress of the trial, and the petitioner's right to a speedy trial is being violated. Hence, he prayed that the present petition be allowed and the petitioner be released on bail.

6. Mr Lokender Kutlehira, learned Additional Advocate General, for the respondent/State, submitted that the petitioner was found in possession of a commercial quantity of charas and the rigours of Section 37 of the NDPS Act apply to the present case. The petitioner has failed to satisfy the twin conditions of Section 37 of the NDPS Act, and he is not entitled to bail. The petitioner was caught red-handed with the charas, and the requirement of supplying grounds of arrest will not apply to his case. Hence, he prayed that the present petition be allowed and the petitioner be released on bail.

7. I have given considerable thought to the submissions made at the bar and have gone through the records carefully.

8. The parameters for granting bail were considered by the Hon'ble Supreme Court in *Pinki v. State of U.P.*, (2025) 7 SCC

314: 2025 SCC OnLine SC 781, wherein it was observed at page 380: -

(i) Broad principles for the grant of bail

56. In *Gudikanti Narasimhulu v. High Court of A.P.*, (1978) 1 SCC 240: 1978 SCC (Cri) 115, Krishna Iyer, J., while elaborating on the content of Article 21 of the Constitution of India in the context of personal liberty of a person under trial, has laid down the key factors that should be considered while granting bail, which are extracted as under: (SCC p. 244, paras 7-9)

“7. It is thus obvious that the nature of the charge is the vital factor, and the nature of the evidence is also pertinent. The punishment to which the party may be liable, if convicted or conviction is confirmed, also bears upon the issue.

8. *Another relevant factor is whether the course of justice would be thwarted by him who seeks the benignant jurisdiction of the Court to be freed for the time being. [Patrick Devlin, “The Criminal Prosecution in England” (Oxford University Press, London 1960) p. 75 — Modern Law Review, Vol. 81, Jan. 1968, p. 54.]*

9. *Thus, the legal principles and practice validate the Court considering the likelihood of the applicant interfering with witnesses for the prosecution or otherwise polluting the process of justice. It is not only traditional but rational, in this context, to enquire into the antecedents of a man who is applying for bail to find whether he has a bad record, particularly a record which suggests that he is likely to commit serious offences while on bail. In regard to habituals, it is part of criminological history that a thoughtless bail order has enabled the bailee to exploit the opportunity to inflict further crimes on the members of society. Bail discretion, on the basis of evidence about the criminal record of a defendant, is therefore not an exercise in irrelevance.” (emphasis supplied)*

57. In *Prahlad Singh Bhati v. State (NCT of Delhi)*, (2001) 4 SCC 280: 2001 SCC (Cri) 674, this Court highlighted various aspects that the courts should keep in mind while dealing with an application seeking bail. The same may be extracted as follows: (SCC pp. 284–85, para 8)

“8. The jurisdiction to grant bail has to be exercised on the basis of well-settled principles, having regard to the circumstances of each case and not in an arbitrary manner. While granting the bail, the court has to keep in mind the nature of accusations, the nature of evidence in support thereof, the severity of the punishment which conviction will entail, the character, behaviour, means and standing of the accused, circumstances which are peculiar to the accused, reasonable possibility of securing the presence of the accused at the trial, reasonable apprehension of the witnesses being tampered with, the larger interests of the public or State and similar other considerations. It has also to be kept in mind that for the purposes of granting the bail the legislature has used the words “reasonable grounds for believing” instead of “the evidence” which means the court dealing with the grant of bail can only satisfy it (sic itself) as to whether there is a genuine case against the accused and that the prosecution will be able to produce prima facie evidence in support of the charge.” (emphasis supplied)

58. This Court in *Ram Govind Upadhyay v. Sudarshan Singh*, (2002) 3 SCC 598: 2002 SCC (Cri) 688, speaking through Banerjee, J., emphasised that a court exercising discretion in matters of bail has to undertake the same judiciously. In highlighting that bail should not be granted as a matter of course, bereft of cogent reasoning, this Court observed as follows: (SCC p. 602, para 3)

“3. Grant of bail, though being a discretionary order, but, however, calls for the exercise of such a discretion in a judicious manner and not as a matter of course. An order for bail bereft of any cogent reason cannot be sustained. Needless to record, however, that the grant of bail is dependent upon the contextual facts of the matter being

dealt with by the court and facts do always vary from case to case. While placement of the accused in the society, though it may be considered by itself, cannot be a guiding factor in the matter of grant of bail, and the same should always be coupled with other circumstances warranting the grant of bail. The nature of the offence is one of the basic considerations for the grant of bail — the more heinous is the crime, the greater is the chance of rejection of the bail, though, however, dependent on the factual matrix of the matter.” (emphasis supplied)

59. In *Kalyan Chandra Sarkar v. Rajesh Ranjan*, (2004) 7 SCC 528: 2004 SCC (Cri) 1977, this Court held that although it is established that a court considering a bail application cannot undertake a detailed examination of evidence and an elaborate discussion on the merits of the case, yet the court is required to indicate the prima facie reasons justifying the grant of bail.

60. In *Prasanta Kumar Sarkar v. Ashis Chatterjee*, (2010) 14 SCC 496: (2011) 3 SCC (Cri) 765, this Court observed that where a High Court has granted bail mechanically, the said order would suffer from the vice of non-application of mind, rendering it illegal. This Court held as under with regard to the circumstances under which an order granting bail may be set aside. In doing so, the factors which ought to have guided the Court's decision to grant bail have also been detailed as under: (SCC p. 499, para 9)

“9. ... It is trite that this Court does not, normally, interfere with an order passed by the High Court granting or rejecting bail to the accused. However, it is equally incumbent upon the High Court to exercise its discretion judiciously, cautiously and strictly in compliance with the basic principles laid down in a plethora of decisions of this Court on the point. It is well settled that, among other circumstances, the factors to be borne in mind while considering an application for bail are:

(i) whether there is any prima facie or reasonable ground to believe that the accused had committed the offence;

- (ii) nature and gravity of the accusation;
- (iii) severity of the punishment in the event of conviction;
- (iv) danger of the accused absconding or fleeing, if released on bail;
- (v) character, behaviour, means, position and standing of the accused;
- (vi) likelihood of the offence being repeated;
- (vii) reasonable apprehension of the witnesses being influenced; and
- (viii) danger, of course, of justice being thwarted by grant of bail.” (emphasis supplied)

XXXXXXX

62. One of the judgments of this Court on the aspect of application of mind and requirement of judicious exercise of discretion in arriving at an order granting bail to the accused is *Brijmani Devi v. Pappu Kumar*, (2022) 4 SCC 497 : (2022) 2 SCC (Cri) 170, wherein a three-Judge Bench of this Court, while setting aside an unreasoned and casual order (*Pappu Kumar v. State of Bihar*, 2021 SCC OnLine Pat 2856 and *Pappu Singh v. State of Bihar*, 2021 SCC OnLine Pat 2857) of the High Court granting bail to the accused, observed as follows: (*Brijmani Devi v. Pappu Kumar*, (2022) 4 SCC 497 : (2022) 2 SCC (Cri) 170], SCC p. 511, para 35)

“35. While we are conscious of the fact that liberty of an individual is an invaluable right, at the same time while considering an application for bail courts cannot lose sight of the serious nature of the accusations against an accused and the facts that have a bearing in the case, particularly, when the accusations may not be false, frivolous or vexatious in nature but are supported by adequate material brought on record so as to enable a court to arrive at a *prima facie* conclusion. While considering an application for the grant of bail, a *prima facie* conclusion must be supported by reasons and must be arrived at after having regard to the vital facts of the case brought on record. Due consideration must be given to facts

suggestive of the nature of crime, the criminal antecedents of the accused, if any, and the nature of punishment that would follow a conviction vis-à-vis the offence(s) alleged against an accused.” (emphasis supplied)

9. The present petition has to be decided as per the parameters laid down by the Hon’ble Supreme Court.

10. The status report shows that F.I.R. No. 16 of 2016, dated 20.02.2016, was registered against the petitioner for the commission of an offence punishable under Section 20 of the NDPS Act. The petitioner did not mention that any F.I.R. was registered against him. It was laid down by this Court in *Prem Singh vs. State of H.P. 2020 (1) Shim. L.C. 476* that a person seeking bail should mention the pendency of the criminal cases against him in the bail petition. It was observed:

“7. The burden is on the petitioner to mention his criminal history. The data bank of the State and the Country is not elaborate enough to contain the criminal history of every accused. Apart from that, there would be some cases where the petitioner might have committed serious offences outside India. As such, the burden is on the petitioner to mention all such facts in the bail petition.

8. Section 106 of the Indian Evidence Act, 1872, mandates that when any fact is especially within the knowledge of any person, the burden of proving that fact is upon him.”

11. A direction was issued to the petitioners to mention the criminal history in the bail petition. It was observed:

“15. Given above, henceforth it is obligatory that in every bail petition, the petitioner must mention all pending FIRs and pending criminal trials, where the sentence provided is seven years or more. Furthermore, the petitioner must specify details of all cases where he was convicted and sentenced to imprisonment for one year or more.

16. In addition to the above, in every bail petition filed in any Court within the jurisdiction of the State of Himachal Pradesh, the State/Respondent(s) shall explicitly mention in the status report the criminal history. In bail petitions where there is no pleading about the criminal history, then the State/Respondent(s) shall bring it to the notice of the concerned Court about the non-mentioning of the criminal history. In such a situation, it shall be for the concerned Court to take a call, if it so desires, depending upon the facts of each case.”

12. A similar direction was issued by the Hon’ble Supreme Court in *Munnesh v. State of U.P.*, 2025 SCC OnLine SC 1319, wherein it was observed:

“11. However, before parting, we consider it necessary to dwell on one aspect. A growing trend is being noticed of individuals seeking from this Court the concession of bail or the concession of protection from arrest, not disclosing in the special leave petitions their involvement in other criminal cases. In such cases where involvement is not disclosed, on a *prima facie* satisfaction that long incarceration without reasonable progress in the trial is invading the right to life of the accused or that the offences for which the FIR has been registered are not too serious, notices are issued and only thereafter, information of criminal antecedents is being provided in the counter affidavits filed by the respective respondents—States, as in the present case. The result is that this Court, being the apex court of the country, is being taken for a

ride. This Court has shown leniency in the past, but we think it is time that such a state of affairs is not allowed to continue further.

12. We, accordingly, direct that henceforth each individual who approaches this Court with a Special Leave Petition (Criminal) challenging orders passed by the high courts/sessions courts declining prayers under Sections 438/439 of the Criminal Procedure Code, 1973 or under Sections 482/483, Bharatiya Nagrik Suraksha Sanhita shall mandatorily disclose in the 'SYNOPSIS' that either he is a man of clean antecedents or if he has knowledge of his involvement in any criminal case, he shall clearly indicate the same together with the stage that the proceedings, arising out of such case, have reached. Should the disclosure be found to be incorrect subsequently, that itself could be considered as a ground for dismissal of the special leave petition.

13. We are conscious that complying with this direction could result in inconvenience for some; however, having noticed that orders dated 13th October, 2023 and 19th October, 2023 of this Court in *SLP (Crl.) No. 12876 of 2023 Kulwinder Singh v. State of Punjab* and *SLP (Crl.) No. 2863 of 2023 Sheikh Bhola v. State of Bihar*, respectively, requiring steps to be initiated for eliciting proper and correct information from the individuals seeking orders of regular bail/pre-arrest bail have not produced the desired results, we have proceeded to make the aforesaid direction in the institutional interest so that proceedings before this Court are not taken lightly by those who choose to approach it and the process of law is not abused.

13. The Hon'ble Supreme Court issued directions to the High Court in *Kaushal Singh v. State of Rajasthan*, 2025 SCC OnLine SC 1473, to require the accused to furnish the details of the criminal cases pending against him. It was observed:

“22. Before parting, we would like to state that accounting for the criminal antecedents of the accused while considering the bail applications has been the subject matter of concern for Courts across the country. The rules and orders of the Punjab and Haryana High Court, to be specific, Rule 5 of Chapter 1-A(b) Volume-V specifically provide as below:

“5. **Bail applications.** - In every application for bail presented to the High Court, the petitioner shall state whether a similar application has or has not been made to the Supreme Court, and if made, shall state the result thereof. The petitioner/applicant shall also mention whether he/she is/was involved in any other criminal case or not. If yes, particulars and decisions thereof. An application which does not contain this information shall be placed before the bench with the necessary information.”

23. We feel that every High Court in the country should consider incorporating a similar provision in the respective High Court Rules and/or Criminal Side Rules, as it would impose an obligation on the accused to make disclosures regarding his/her involvement in any other criminal case(s) previously registered.”

14. It was laid down by the High Court of Punjab & Haryana at Chandigarh in *Deen Mohd. Vs State of Haryana, CRM-M-26229 (O&M) decided on 10.06.2022* that when the petitioner conceals the material fact from the Court, he cannot be held entitled to any consideration at the hands of the Court. It was observed: -

“... The law is well settled that where a process is ‘ex debito Justitiae’, the Court would refuse to exercise its discretion in favour of the applicant where the application

is found to be wanting in bona fides. Apex Court in the case of *Hari Narain vs. Badri Dass*, AIR 1963 S.C.1558 approved of the said principle and the same was followed in the case of *Welcome Hotel vs State of Andhra Pradesh*, (1983) 4 SCC 575, where it was held that a party which has misled the Court is not entitled to any consideration at the hands of the Court.”

15. Thus, the petitioner is not entitled to bail on this consideration alone.

16. It was submitted that the petitioner was not informed of the grounds of arrest, and his arrest is illegal. This submission is not acceptable. It was laid down by three Judges of the Hon’ble Supreme Court in *Madhu Limaye, In re*, (1969) 1 SCC 292: 1968 SCC OnLine SC 374, that if the accused is arrested red-handed, there is no need to explain the grounds of arrest. It was observed at page 298:

“Lord Simonds gave an illustration of the circumstances where the accused must know why he is being arrested.

“There is no need to explain the reasons for arrest if the arrested man is caught red-handed and the crime is patent to high Heaven.”

17. It was held in *Balbir Kaur v. State of Punjab*, (2009) 15 SCC 795: (2010) 3 SCC (Cri) 997: 2009 SCC OnLine SC 1258, that where the accused knew that she was being searched for the contraband, the plea taken by her regarding non-

communication of the reason of arrest is technical in nature. It was observed at page 802:

“20. In view of the concurrent findings of the trial court and as also the High Court holding that the appellant was in conscious possession of the said contraband goods, the allegation of non-disclosure of the purpose of the search and the grounds of arrest to her is of a technical nature and without there being any material force in them. The appellant herself knew that she was being searched for possession of contraband goods, and therefore, she had also sought protection as provided under Sections 52 and 57 of the NDPS Act.

21. The appellant was being searched and arrested on account of possession of contraband goods. The violation of the provisions of the NDPS Act was clearly known to her. The allegation that she herself asked for such protection instead of prosecution, giving her the option to be searched before a gazetted officer, as required under the law, would not in any manner adversely affect her conviction and order of sentence passed by both the courts below. No prejudice could be shown by the appellant against the DSP, who was a gazetted officer and the lady officer present at the time of the search.”

18. The matter is pending before the Hon’ble Supreme Court in *Mihir Rajesh Shah vs State of Maharashtra, SLP (Crl.) 17132 of 2024*, and nothing more is required to be said regarding this aspect at this stage.

19. The arrest memo filed by the petitioner mentions the offence committed by him. It was laid down by the Hon’ble Supreme Court in *Narayanaswamy Ravishankar v. Asstt. Director*,

Directorate of Revenue Intelligence (2002) 8 SCC 7: 2002 SCC (Cri) 1865: 2002 SCC Online SC 948, that when the arrest memo mentions the offence committed by the accused, the plea taken by him regarding non-communication of arrest is not acceptable. It was observed at page 9:

“6. It was also contended by the learned Senior Counsel that the ground on which the appellant was arrested was not communicated to him. We find no merit in this because the arrest memo clearly indicates the offence stated to have been committed by the appellant under the NDPS Act. Further, the record also shows that a copy of the arrest memo Ext. P-20 was received by the appellant.”

20. Hence, the petitioner is not entitled to bail because the grounds of arrest were supplied to him.

21. It was submitted that charas was weighed with the polythene, and the actual weight of the charas may be less. There is no material to show the actual weight of the polythene, and even if the benefit of the fact that the charas was weighed with the polythene is given to the accused, still, the weight was bordering the commercial quantity, and the petitioner cannot claim his release on bail as a matter of right.

22. The order passed by the learned Judicial Magistrate, First Class, Jawali, District Kangra, H.P., shows that two samples

of 27 grams were taken out. The report of the analysis shows that the total weight of the exhibit with plastic container and lid was found to be 27 grams, and the actual weight of the exhibit was 19.750 grams. It was submitted that there is a discrepancy in the weight of the sample, which would make the prosecution's case suspect. This submission is only stated to be rejected. The case file was produced before the Court, and it is apparent from the photographs of the inventory proceedings that the sample was weighed with the plastic container having a lid, and the digital weighing scale shows that the weight is 27 grams; therefore, there is no discrepancy in the weight of the sample.

23. Status report shows that the petitioner was involved in the commission of a similar offence, and F.I.R. No.16 of 2016 was registered for the commission of an offence punishable under Section 20 of the NDPS Act at Police Station Aut, District Mandi, H.P. This justifies the prosecution's apprehension that the petitioner is likely to indulge in the commission of a similar offence, if he is released on bail. This Court exhaustively dealt with the relevance of criminal antecedents in *Aminodin vs State of H.P. 2024: HHC: 6091* and held, after referring to various judgments, that a Judge must consider the criminal antecedents

of the accused, the nature of offences and his general conduct while considering the bail petition. Bail should not be generally granted to an accused with criminal antecedents when there is a likelihood of the commission of the crime.

24. It was held in *V. Senthil Balaji v. Enforcement Directorate, 2024 SCC OnLine SC 2626*, that where the petitioner can become a threat to society because of her criminal antecedents, she should not be released on bail. It was observed:

“27.....An exception will also be in a case where, considering the antecedents of the accused, there is every possibility of the accused becoming a real threat to society if enlarged on bail. The jurisdiction to issue prerogative writs is always discretionary.”

25. Similarly, it was held in *Union of India v. Barakathullah, 2024 SCC OnLine SC 1019*, that where the persons were involved in the commission of similar offences, they should not be released on bail. It was observed: -

“20. ... So far as the respondents in the instant appeals are concerned, they are in custody for hardly one and a half years, apart from the fact that all the respondents are shown to have been involved in previous cases. There are about 8 to 9 previous cases shown in the chargesheet against the respondents, except accused Nos. 1, 4 and 6, who are shown to have been involved in two cases. Considering the nature and gravity of the alleged offences and considering their criminal antecedents, in our opinion High Court should not have taken a lenient view,

more particularly when there was sufficient material to show their *prima facie* involvement in the alleged offences under the UAPA.

26. Similarly, it was held in *Union of India v. Barakathullah*, 2024 SCC OnLine SC 1019, that where the persons were involved in the commission of similar offences, they should not be released on bail. It was observed: –

“20. ... So far as the respondents in the instant appeals are concerned, they are in custody for hardly one and a half years, apart from the fact that all the respondents are shown to have been involved in previous cases. There are about 8 to 9 previous cases shown in the chargesheet against the respondents, except accused Nos. 1, 4 and 6, who are shown to have been involved in two cases. Considering the nature and gravity of the alleged offences and considering their criminal antecedents, in our opinion, the High Court should not have taken a lenient view, more particularly when there was sufficient material to show their *prima facie* involvement in the alleged offences under the UAPA.”

27. It was laid down by the Hon’ble Supreme Court in *Pinki v. State of U.P.*, (2025) 7 SCC 314: 2025 SCC OnLine SC 781 that the liberty of a person has to be balanced with peace and harmony in society. Liberty cannot be elevated to such a high pedestal as would bring in anarchy or disorder in society. It was observed at page 384:

“65. We are absolutely conscious that the liberty of a person should not be lightly dealt with, for the deprivation of the liberty of a person has an immense impact on the mind.

Incarceration creates a concavity in the personality of an individual. Sometimes it causes a sense of emptiness. Needless to emphasise, the sacrosanctity of liberty is paramount in a civilised society. However, in a democratic body polity which is wedded to the rule of law, an individual is expected to grow within the social restrictions sanctioned by law. Individual liberty is restricted by larger social interests, and its deprivation must have due sanction of law. In an orderly society, an individual is expected to live with dignity, having respect for the law and also giving due respect to others' rights. It is a well-accepted principle that the concept of liberty is not in the realm of absolutism but is a restricted one. The cry of the collective for justice, its desire for peace and harmony and its necessity for security cannot be allowed to be trivialised. The life of an individual living in a society governed by the rule of law has to be regulated, and such regulations, which are the source of law, subserve the social balance and function as a significant instrument for the protection of human rights and the security of the collective. This is because, fundamentally, laws are made for their obedience so that every member of the society lives peacefully in a society to achieve their individual as well as social interests. That is why Edmond Burke, while discussing liberty, opined, "*it is regulated freedom*".

66. It is also to be kept in mind that individual liberty cannot be accentuated to such an extent or elevated to such a high pedestal that it would bring in anarchy or disorder in society. The prospect of greater justice requires that law and order prevail in a civilised milieu. True it is, there can be no arithmetical formula for fixing the parameters in precise exactitude, but the adjudication should express not only application of mind but also exercise of jurisdiction on accepted and established norms. Law and order in a society protect the established precepts and see to it that contagious crimes do not become epidemic. In an organised society, the concept of liberty basically requires citizens to be responsible and not to disturb the tranquillity and safety which every well-meaning person desires. Not for nothing, J.

Oerter stated: “*Personal liberty is the right to act without interference within the limits of the law.*”

67. Thus analysed, it is clear that though liberty is a greatly cherished value in the life of an individual, it is a controlled and restricted one, and no element in the society can act in a manner by consequence of which the life or liberty of others is jeopardised, for the rational collective does not countenance an anti-social or anti-collective act. (See: *Ash Mohammad v. Shiv Raj Singh*, (2012) 9 SCC 446: (2012) 3 SCC (Cri) 1172.).

28. Therefore, the petitioner cannot be held entitled to bail because of his criminal antecedents.

29. It was submitted that there is a delay in the progress of the trial, and the petitioner is entitled to bail on this consideration. This submission is also not acceptable. The status report shows that the statements of fifteen witnesses have been recorded, and the matter is now listed on 17.11.2025. The recording of statements of fifteen witnesses does not show any delay in the progress of the trial. Further, the copies of order-sheets were not filed to demonstrate that the delay is not attributable to the petitioner but to the prosecution. Hence, the plea that the petitioner's right to a speedy trial is being violated cannot be accepted.

30. No other point was urged.

31. In view of the above, the present petition fails, and it is dismissed.

32. The observation made herein before shall remain confined to the disposal of the instant petition and will have no bearing, whatsoever, on the merits of the case.

(Rakesh Kainthla)
Judge

17th October, 2025
(ravinder)