

CRM-M-1667-2025 (O&M)	
CRM-M-15527-2025 (O&M)	1

**214+215 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

2025:PHHC:153609



DATE OF DECISION : 07.11.2025

1. CRM-M-1667-2025 (O&M)

DEVI DAYAL ... **PETITIONER**
STATE OF HARYANA V/S ... **RESPONDENT**

2. CRM-M-15527-2025 (O&M)

AMRIK SINGH ... **PETITIONER**
STATE OF HARYANA V/S ... **RESPONDENT**

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Ms. Himani Anand, Advocate for the petitioner
in CRM-M-1667-2025.

Mr. Pratap Singh Gill, Advocate and
Ms. Eknor Kaur Gill, Advocate for the petitioner
in CRM-M-15527-2025.

Mr. Tanuj Sharma, AAG Haryana.

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RAJESH BHARDWAJ, J. (ORAL)

1. By this order, I dispose of the abovementioned two petitions arising out of the same FIR.

2. Petitioners have approached this Court by way of present petitions praying for grant of regular bail in case FIR No.108 dated 19.07.2024 under Sections 22(C)/29 of NDPS Act 1985, registered at Police

Station Ismailabad, District Kurukshetra.

3. Succinctly, facts of the case are that the police on 19.07.2024 received a secret information to the effect that petitioner-Devi Dayal (in CRM-M-1667-2025) is involved in smuggling of intoxicant pills. It was informed that he would go on foot from his village Kainthla through village Malokpur to Pehowa Town for selling the drugs. In case of barricading, he could be arrested along with the contraband. On receiving the secret information, barricading was done by the police party and petitioner-Devi Dayal was found coming on foot at the disclosed place. On seeing the police party, petitioner-Devi Dayal (in CRM-M-1667-2025) got perplexed. However, he was apprehended. On asking, he disclosed his name to be Devi Dayal. He was carrying a bag and was suspected to be carrying some contraband. On conducting the search, 5700 intoxicant tablets of Diphenoxylate Hydrochloride were recovered from him. He failed to produce any licence regarding the conscious possession of the contraband. Thus, he was arrested on the spot. During the investigation he made a disclosure statement about the complicity of co-accused Amrik Singh i.e. petitioner in CRM-M-15527-2025. Thus, they were arrayed as accused and were arrested on 19.07.2024 and 26.07.2024 respectively. On receipt of the FSL report, challan was presented. On framing the charges, the trial commenced. Petitioner-Devi Dayal approached the learned Judge, Special Court at Kurukshetra praying for grant of regular bail. However, after hearing both the sides, the same was declined vide order dated 02.09.2024. Petitioner-Amrik Singh also approached the learned Judge Special Court at Kurukshetra praying for grant of regular bail. However, after hearing both the sides, the same was also declined vide order dated 07.09.2024.

Petitioner-Amrik Singh approached this Court praying for grant of bail by way of filing CRM-M-48114-2024. The same was dismissed as withdrawn vide order dated 23.01.2025. Both the petitioners have approached this Court praying for grant of bail by way of filing the present petitions.

4. It has been vehemently contended by learned counsel for the petitioners that the petitioners have been falsely implicated in the present case in a frivolous manner. Learned counsel for petitioner-Devi Dayal submit that admittedly, the FIR has been lodged on the basis of secret information, but there is a violation of Section 42 of NDPS Act. He submits that there is a violation of Section 50 of NDPS Act as well. He submits that the recovery has been effected from a public place, however, no independent witness has been joined in the present cases. Learned counsel for petitioner-Amrik Singh submits that the petitioner has been implicated in the present case on the basis of disclosure statement of the co-accused which itself is not an admissible evidence. It is submitted by learned counsel for petitioner-Devi Dayal that a day prior to the present FIR, petitioner-Devi Dayal had been implicated in another FIR i.e. FIR No. 139 dated 18.07.2024 under Sections 22(C), 29, 61, 85 of NDPS Act 1985, registered at Police Station City Pehowa, District Kurukshetra and on the next day, he was implicated in the present FIR. Learned counsel for petitioner-Amrik Singh submits that the petitioner has been falsely implicated in one more case i.e. FIR No. 145 dated 27.05.2024 under Sections 22(C), 29 of NDPS Act, registered at Police Station Guhla, District Kaithal.

5. Per contra, learned State counsel has opposed the submissions made by counsel for the petitioners. He has submitted that there was a

specific secret information about petitioner-Devi Dayal and the recovery effected from him was of 5700 intoxicant tablets of Diphenoxylate Hydrochloride weighing 370.50 grams, which falls in the category of commercial quantity and accordingly, stringent provisions of section 37 of NDPS Act are attracted in the present case. He has submitted on instructions that out of total 24 prosecution witnesses, no witness has been examined till date. He submits that keeping in view the antecedents of the petitioners, no case is made out for grant of bail to the petitioners. He has placed on record the custody certificates of the petitioners.

6. After hearing counsel for the parties and perusing the record, it is inferred that the case of petitioner-Devi Dayal is based upon a secret information and petitioner-Amrik Singh has been arrayed as accused on the basis of disclosure statement of the co-accused, namely, Devi Dayal. As reflected from the custody certificate, petitioner-Devi Dayal has suffered incarceration of 01 year, 03 months & 17 days and petitioner-Amrik Singh has suffered incarceration of 01 year, 03 months & 08 days as on 06.11.2025. Out of total 24, no prosecution witness has been examined till date. Both the petitioners are involved in one more case each.

7. Needless to say that the speedy trial of every accused is a fundamental right. 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”²² (also see Donald Clemmer’s ‘The Prison Community’ published in 1940²³). 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. This Court would refrain itself from commenting anything on the merits of the case. The trial of the case will take sufficient long time. Keeping in view the arguments raised by both the sides and perusing the record, this Court is of the opinion that learned counsel for the petitioners succeed in making out a case for grant of regular bail to the petitioners.

9. Accordingly, the present petitions are allowed and the petitioners are ordered to be released on bail on their furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate.

10. It is being clarified that in case the petitioners do not furnish bail/surety bonds within a period of one week from today, their custody will not be counted in the present cases after one week.

11. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

07.11.2025

Janki

(RAJESH BHARDWAJ)
JUDGE

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