

CRM-M-19567-2025
CRM-M-28048-2025
230+236(2 cases)

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2025 PHHC-110104



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

1. CRM-M-19567-2025

Dharamendra MuthamajhiPetitioner

versus

State of Haryana Respondent

2. CRM-M-28048-2025

SadhuPetitioner

versus

State of Haryana Respondent

Date of decision : 21.08.2025

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Anil Kumar Malik, Advocate
for the petitioner in both the petitions.

Ms. Diya Sodhi, Sr. D.A.G., Haryana.

RAJESH BHARDWAJ, J. (Oral)

1. By way of this common order, this Court intend to dispose of abovesaid two petitions as they have arisen out of the same FIR.

2. Petitioners have approached this Court by way of present petitions praying for granting them regular bail in case FIR No.679 dated 29.08.2024, under Sections 20-C, 29 & 27-A of Narcotic Drugs and Psychotropic Substances Act, 1985 registered at Police Station Shahabad, District Kurukshetra.

3. Succinctly, the facts of the present case are that the police party, while on patrolling on 29.08.2024, received a secret information to the effect that Pujari S/o Pratap was involved in selling ganja. It was informed that he was standing near Barara road near Shahabad grain



market and in case the raid is conducted, he could be arrested along with the *Ganja*. On finding the information reliable, a raiding team was constituted and they reached at the place as disclosed by the informer. As informed, a person was found standing and on asking, he disclosed his name as Pujari. Contraband weighing 32.830 kg *Ganja* was recovered from him. He failed to produce any licence regarding the conscious possession of the same and thus, FIR was registered and he was arrested on the spot. On registration of the FIR, the investigation commenced. During investigation he made a disclosure statement upon the complicity of the petitioners- Dharamendra and Sadhu. Thus, they were also arrayed as an accused in the present FIR. Resultantly, petitioner-Dharamendra was arrested on 04.09.2024 and petitioner-Sadhu was arrested on 21.10.2024. They approached the learned Judge, Special Court, Kurukshetra for grant of bail. However, after hearing both the sides and finding no merit in the same, the learned Judge, Special Court, Kurukshetra declined their bail applications vide orders dated 10.02.2025 and 14.02.2025, respectively. Hence being aggrieved, petitioners are before this Court praying for the grant of bail by way of filing the present petition.

4. Learned counsel for the petitioners has contended that the petitioners have been falsely implicated in the present case. It has been contended that the only evidence against the petitioners is the disclosure statement of the co-accused, from whom the contraband was recovered, however, the disclosure statement in itself is not an admissible evidence. To buttress his arguments, he has submitted that a day prior to the same, petitioner-Dharamendra was implicated in another FIR i.e. FIR No.676 dated 28.08.2024, however, this Court already granted bail to Dharamendra in that FIR vide order dated 02.04.2025 passed in CRM-M-



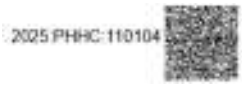
11135-2025. It is submitted that the false implication of the petitioners is writ large. He submits that the petitioners are behind bars since the date of their arrest, however, there is no progress in the trial. He thus, submit that in the facts and circumstances the petitioners deserve to be granted bail.

5. Learned State counsel, on instructions, has opposed the submissions made by the counsel for the petitioners and submits that the complicity of the petitioners was established during the investigation as petitioner-Dharamendra was the supplier of the contraband recovered, whereas petitioner-Sadhu was the purchaser. She, on instructions, has submitted that in all there are 19 prosecution witnesses, however, none has been examined so far. She has produced the custody certificates of the petitioners in the Court.

6. On hearing counsel for the parties and perusing the record, it is transpired that the petitioners have been implicated in the present case on the basis of disclosure statement of the co-accused. As submitted before this Court, out of total 19 prosecution witnesses, none has been examined so far. Petitioner-Dharamendra has already been granted bail in FIR No.676 dated 28.08.2024. Needless to say that every accused has the fundamental right of speedy trial.

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. This Court would refrain itself from commenting anything on the merits of the case. Thus, keeping in view the overall facts and circumstances of the case, this Court is of the opinion that learned counsel for the petitioners succeed in making out a case for grant of regular bail. Accordingly, both the petitions are allowed. Petitioners are ordered to be released on bail on their 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. In case the bail bonds are not furnished by the petitioners during the period of 07 days from today, then their further custody period after one week will not be counted in the present case.

21.08.2025
ps-I

(RAJESH BHARDWAJ)
JUDGE

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