

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

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CRM-M-28823-2025  
Date of Decision: 02.09.2025

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ANIL SHARMA

....PETITIONER

*Versus.*

STATE OF HARYANA

....RESPONDENT

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

Present: - Mr.Sanjeev Majra, Advocate, for the petitioner.

Ms.Diya Sodhi, Sr. DAG, Haryana.

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

1. Petitioner has approached this Court by way of present petition praying for granting regular bail in case FIR No.37 dated 17.01.2024 under Sections 22C and 29 of the NDPS Act, registered at Police Station Sector 32-33, Karnal, District Karnal.
2. Succinctly, facts of the case are that secret information was received while the police party was on patrolling that one Suresh is involved in selling the intoxicating pills and if raid is conducted, he can be arrested with the contraband. Finding the information received to be reliable, the Police party constituted raiding team and conducted raid and apprehended Suresh with the contraband. On search, 48 capsules were recovered from the possession of Suresh. The samples were taken and sent to the FSL. On receiving the FSL report, the contraband was found to be weighing 27 grams of Tramadol Hydrochloride. During the investigation, Suresh disclosed about Pankaj to be the supplier of the contraband and during investigation Pankaj disclose about Anil Sharma (petitioner) about



his involvement as the main supplier. Hence, the police conducted a raid, in which the police arrested on 22.05.2024 the petitioner and recovered 1920 capsules containing Tramadol Hydrochloride from him. Investigation was commenced. Samples taken were sent to FSL. On receiving the FSL report, the weight of contraband comes to be 1040 grams. Challan was presented and after framing of charges, trial commenced. Petitioner approached learned Special Court for grant of bail, however, finding no merit, the same was declined after hearing both the sides by Learned Special Judge, Karnal vide order dated 29.04.2025. Earlier he approached this Court for grant of bail by way of CRM-M-44985-2024. but the same was dismissed as withdrawn on 19.09.2024. Hence, the petitioner has approached this Court by way of the present second petition praying for the grant of regular bail.

3. It is contended by learned counsel for the petitioner that the petitioner has been falsely implicated in the present case. He was arrayed as accused in the FIR on the basis of disclosure statement of co-accused Pankaj. However, Pankaj has already been granted bail by this Court vide order dated 23.07.2024. He submits that alleged recovery from the petitioner has been planted upon him and the same is in violation of Sections 42 & 50 of the NDPS Act. He further submits that the petitioner is behind the bars since 22.05.2024, but there is no progress in the trial. He has submitted that petitioner has no criminal antecedents as he has never been involved in any other case.

4. Per contra, learned counsel for the State, on instructions, submits that out of 24 witnesses, none of the witness has been examined so far. She submits that petitioner was named in the disclosure statement of Pankaj and there is a recovery from the petitioner of 1920 capsules



weighing 1040 grams of tramadol Hydrochloride, which is a commercial quantity and falls within the provisions of Section 37 of the NDPS Act. She submits that out of 6 accused, two are on bail. The petitioner had been arrayed as an accused on the basis of disclosure statement of co-accused-Pankaj. She endorsed the fact that co-accused Pankaj has already been granted bail. She has produced the custody certificate of the petitioner today in Court and the same is taken on record. Custody certificate shows that petitioner has suffered incarceration of 01 years 07 months and 10 days.

5. On hearing, it is deciphered that the petitioner has been arrayed as accused in the present case on the basis of disclosure statement of the co-accused. Out of 24 witnesses, none of the witness has been examined so far. Co-accused Pankaj has already been granted bail by this Court vide order dated 23.07.2024 passed in CRM-M-18950-2024. Custody certificate produced would show that the petitioner has suffered incarceration of 01 year 07 months and 10 days as on 01.09.2025 and he is involved in one more case in which he is on bail. It further reflects that the petitioner is involved in one more case, however, he is on bail.

6. 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,



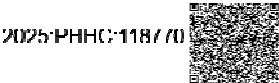
*where special laws enact stringent provisions, are taken up and concluded speedily.”*

7. The trial of the case is likely to take sufficient time. Speedy trial is the right of every accused. 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.”*

The Hon’ble Supreme Court in a recent decision dated 03.07.2024 in **Javed Gulam Nabi Shaikh Vs. State of Maharashtra, Criminal Appeal No. 2787 of 2024**, has held that howsoever serious a crime may be, an accused has the right to speedy trial under the Constitution of India.

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. Thus, keeping in view the arguments raised by both the sides, this Court is of the opinion that learned counsel for the petitioner succeeds in making out a case for grant of regular bail to the petitioner.



9. 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.

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

02.09.2025  
*Vivek*

(RAJESH BHARDWAJ)  
JUDGE

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