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IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CRM-M No.27716 of 2025

**Pramod**  
  
**..... Petitioner**  
  
**versus**  
  
**State of Haryana**  
  
**..... Respondent**

CRM-M No.41871 of 2025

**Gyana Devi**  
  
**.....Petitioner**  
  
**versus**  
  
**State of Haryana**  
  
**..... Respondent**

Date of decision: 06.11.2025

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

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Present :- Mr. Satnam Singh Gill, Advocate  
for the petitioner in CRM-M-27716-2025.  
  
Mr. Navneet Singh, Advocate  
for the petitioner in CRM-M-41871-2025.  
  
Mr. Tanuj Sharma, AAG, Haryana.

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

1. By this order, I dispose of the above mentioned two petitions arising out of the same FIR.
2. Both the petitions have been filed praying for the grant of regular bail to the petitioners in case bearing FIR No.0486, dated 08.09.2024, under Sections 18, 29 of NDPS Act (Section 18 NDPS Act deleted later on and Sections 18-B/29-61-85 NDPS Act added later on), registered at Police Station Sadar Thanesar, District Kurukshetra.



3. Succinctly the facts of the case are that the police party, while on patrolling on 08.09.2024, received a secret information to the effect that Gyana Devi (petitioner in CRM-M-41871-2025) was involved in selling of opium in Punjab and Haryana. It was informed that she would board the train from Bareilly and would reach Ambala Railway Station and thereafter, she would board a bus for Kurukshetra and would reach Pipli Bus Stand and in case of raid, she could be apprehended along with the contraband. On receiving the secret information, the raiding party was constituted and it reached at the Pipli Bus Stand. The lady, as disclosed, was seen de-boarding the bus and thus, was apprehended. On asking, she disclosed her name to be Gyana Devi (petitioner in CRM-M-41871-2025). She was carrying a bag and was suspected to be carrying some contraband in the same, thus, the search of the same was conducted. On conducting the search of the bag, 2 Kgs 630 grams of Opium was recovered. She failed to produce any licence regarding the conscious possession of the same, thus, the FIR was registered and she was arrested on the spot. On registration of the FIR, the investigation commenced. During the investigation, she made a disclosure statement regarding the complicity of the petitioner, namely, Pramod (in CRM-M-27716-2025), who was said to be the supplier of contraband, thus, he was also arrayed as an accused in the present case. Resultantly, the petitioner, namely, Pramod was arrested on 11.09.2024. On completion of investigation, the challan was presented and on framing of charges, the trial commenced. Both the petitioners approached the Court of learned Additional Sessions Judge, Kurukshetra praying for the grant of bail, however after hearing both the sides and



finding no merit in the same, the learned Additional Sessions Judge, Kurukshetra declined both the bail applications filed by the petitioners vide orders dated 16.10.2024 and 17.01.2025. Being aggrieved, the petitioner, namely, Pramod (in CRM-M-27716-2025) earlier approached this Court by way of filing CRM-M-60253-2024 and the petitioner, namely, Gyana Devi (in CRM-M-41871-2025) earlier approached this Court twice by way of filing CRM-M-6921-2025 and CRM-M-23919-2025 praying for the grant of bail, however the same were dismissed vide orders dated 16.12.2024, 25.03.2025 and 08.05.2025, respectively. Hence being aggrieved, the petitioners are before this Court by way of filing the present petitions praying for the grant of regular bail.

4. Learned counsel for the petitioners have vehemently contended that the petitioners have been falsely implicated in the present case. They have submitted that the FIR was registered on the basis of secret information but there is a violation of provisions of Section 42 of NDPS Act. They have submitted that the alleged recovery was effected from the public place, however there is no independent witness has been joined. He has further submitted that there is a violation of mandatory provisions of Section 50 of NDPS Act as well in conducting the search. They have submitted that the petitioners are behind bars since the date of their arrest and have no criminal antecedents but till date, no witness has been examined till date.

5. Learned counsel for the petitioner (in CRM-M-27716-2025) has submitted that the petitioner, namely, Pramod has been implicated in the present case on the basis of disclosure statement of co-accused, which



is not even an admissible evidence.

6. Learned counsel for the petitioners have submitted that in the facts and circumstances, the petitioners deserve to be granted bail.

7. Status report dated 30.09.2025 in CRM-M-27716-2025 by way of an affidavit of Randhir Singh, HPS, DSP Ladwa, Kurukshetra on behalf of the respondent-State has already been filed by the learned State counsel, which is taken on record.

8. *Per contra*, learned counsel for the State however has vehemently opposed the submissions made by learned counsels for the petitioners. He has submitted that there was specific secret information regarding the petitioner, namely, Gyana Devi (in CRM-M-41871-2025). He has submitted that during the investigation, complicity of the petitioner, namely, Pramod (in CRM-M-27716-2025) was established. He has submitted that on the verification, 140 phone calls were found to have been made between both of them. He has submitted that the recovered contraband, i.e. 2 Kg 630 grams of opium falls under the category of commercial quantity and thus, provisions of section 37 of NDPS Act are attracted. He, on instructions, has submitted that out of total 11 prosecution witnesses, no witness has been examined so far. He has further submitted that the petitioner, namely, Gyana Devi (in CRM-M-41871-2025) escaped from the custody of police and thereafter, she was re-arrested on 11.10.2024. He has produced custody certificates of both the petitioners today in the Court, which are taken on record.

9. The Court has heard learned counsel for the parties and perused the record with their able assistance.



10. On hearing learned counsel for the parties and perusing the record, it is deciphered that FIR in the present case was registered on the basis of secret information. The petitioner, namely, Gyana Devi (in CRM-M-41871-2025) was arrested on 08.09.2024, however, she escaped from the police custody and got again arrested on 11.10.2024. The petitioner, namely, Pramod (in CRM-M-27716-2025) was arrested on 11.09.2024 on the basis of disclosure statement. Contraband recovered in the present case falls under the category of commercial quantity. Custody certificates produced would show that the petitioner, namely, Pramod (in CRM-M-27716-2025) has suffered incarceration of 01 year, 01 month and 18 days and the petitioner, namely, Gyana Devi (in CRM-M-41871-2025) has suffered incarceration of 01 year and 21 days as on 04/06.11.2025. It further reflects that the petitioner, namely, Pramod (in CRM-M-27716-2025) is not involved in any other case, whereas the petitioner, namely, Gyana Devi (in CRM-M-41871-2025) is involved in 01 more case. No witness has been examined, out of total 11 prosecution witnesses.

11. 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.”*

12. 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.



13. This Court would refrain itself from commenting anything on the merits of the case. Keeping in view the arguments raised by both the sides and perusing the record, the Court is of the opinion that learned counsel for the petitioners succeed in making out a case for the grant of bail.

14. Accordingly, both the petitions are allowed and the petitioners, namely, Pramod and Gyana Devi 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. However, if the petitioner, namely, Gyana Devi does not furnish the bail bonds within seven days from today, then her further custody period after one week will not be counted in the present case.

06.11.2025

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Whether speaking/reasoned  
Whether reportable

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Yes/No  
Yes/No

(RAJESH BHARDWAJ)  
JUDGE