



234+244

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

CRM-M No.52251 of 2023

Jaspal

..... Petitioner

Versus

State of Haryana and another

..... Respondents

CRM-M No.24654 of 2025

Tejbir Singh

..... Petitioner

versus

Union of India and another

..... Respondents

Date of Decision: 04.09.2025

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Ms. Garima Sharma, Advocate (through video conferencing) and
Mr. Gurbinder Singh, Advocate
for the petitioner in CRM-M-52251-2023.

Mr. Atul Goyal, Advocate
for the petitioner in CRM-M-24654-2025.

Mr. Sumit Jain, Addl. A.G., Haryana with
Ms. Diya Sodhi, Sr. DAG, Haryana.

Mr. Rajiv Sharma, Spl. Public Prosecutor with
Mr. Vinayak, Advocate
for the respondent-NCB.

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 NCB Crime complaint No.40, dated 26.05.2022, under Sections 8, 18, 25, 29/61/85, 60 & 62 of NDPS Act, registered at Police Station NCB Chandigarh.

3. As per the facts of the case, complaint in the present case was filed by Narcotic Control Bureau. It was alleged that on 26.05.2022, Junior Intelligence Officer received a secret information to the effect that two persons, namely, Tejbir Singh and Jaspal were coming back from Jharkhand in car make Swift bearing registration No.PB-46Y-9207 with 10-15 kgs opium. On finding the information reliable, necessary action was taken and *naka* was laid by the police. On seeing the disclosed vehicle, the same was stopped and on asking, the inmates of vehicle disclosed their names to be Jaspal Singh (petitioner in CRM-M-52251-2023), Harparkash Kaur and Tejbir Singh (petitioner in CRM-M-24654-2025). They were given the offer for search of the car and on conducting the search, recovery of opium from the gear lever of the car and dicky was made and total 15 packets were recovered, which in total weighed 14.7 kgs of opium. They failed to produce any licence regarding the conscious possession of the same. Thus, all three were arrested on the spot. On registration of the FIR, the investigation commenced. The samples taken were sent to the FSL. The petitioners approached the Court of learned Additional Sessions Judge, Ambala praying for grant of regular bail. However, after hearing both the sides, the learned Court finding no merit in the same, dismissed both the bail applications filed by the petitioners vide orders dated 09.12.2022 and 16.02.2023, respectively. Being aggrieved, the



petitioner, namely, Jaspal, earlier approached this Court by way of filing CRM-M-13810-2023 praying for grant of bail, however, the same was dismissed as withdrawn vide order dated 22.05.2023. Hence being aggrieved, the petitioners are before this Court praying for grant of bail by way of filing the present petitions.

4. Learned counsel for the petitioners have vehemently contended that the petitioners have been falsely and frivolously implicated in the present case. They have submitted that similarly situated co-accused of the petitioners, namely, Harparkash Kaur, has already been granted bail by this Court vide order dated 18.02.2025 passed in CRM-M No.65249 of 2023 and thus, cases of the petitioners are at par with that of the co-accused. They have submitted that there is a violation of mandatory provisions of Section 50 of NDPS Act. To strengthen their arguments, learned counsel for the petitioners have submitted that the petitioners have never been involved in any other case of the similar nature. They have submitted that the petitioners are behind bars since the date of their arrest, i.e. 27.05.2022 and have completed incarceration of more than 03 years, however till date, there is no material progress in the trial. They have submitted that in the facts and circumstances that the co-accused of the petitioners has already been granted bail by this Court and thus, the petitioners deserve to be granted bail on parity.

5. *Per contra*, learned counsel for the NCB has opposed the submissions made by learned counsel for the petitioners. He has submitted that the recovery effected in the present case is 14.700 Kg of Opium, which is a heavy commercial quantity and thus, the provisions of Section 37 of NDPS



Act are attracted. He has submitted that 4th accused, namely, Ram Mohan was arrested subsequently on 25.01.2024 and the learned trial Court reframe the charges on 03.02.2025. He has submitted that thereafter out of total 20 prosecution witnesses, 03 witnesses have already been examined.

6. Learned counsel for the State has also vehemently opposed the submissions made by learned counsel for the petitioners. She has affirmed the submission made by learned counsel for the petitioners that co-accused of the petitioners, namely, Harparkash Kaur has already been granted bail by this Court vide order dated 18.02.2025. She has produced custody certificate of both the petitioners today in the Court and the same are taken on record.

7. Heard.

8. On hearing learned counsel for the parties and perusing the record, it is deciphered that the FIR was registered on the basis of the secret information. The petitioners were arrested on the spot and they are behind bars since the date of their arrest, i.e. 27.05.2022. Out of total 20 prosecution witnesses, 03 witnesses have already been examined. The co-accused of the petitioners, namely, Harparkash Kaur has already been granted bail by this Court vide order dated 18.02.2025. Custody certificate produced would show that the petitioners have completed incarceration of 03 years and 02 months as on 28.07.2025. It further reflects that the petitioners are not involved in any other case under the NDPS Act. Recovery effected in the present case falls under the category of commercial quantity.

9. 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).



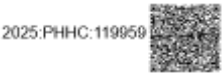
Incarceration has further deleterious effects - where the accused belongs to the weakest economic strata: immediate loss of livelihood, and in several cases, scattering of families as well as loss of family bonds and alienation from society. The courts therefore, have to be sensitive to these aspects (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.”

10. 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.”

11. 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.

12. Keeping in view the arguments raised by both the sides and perusing the record, the Court is of the opinion that learned counsels for the petitioners succeed in making out a case for the grant of bail on parity. Accordingly, both the 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. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

04.09.2025
rittu

Whether speaking/reasoned
Whether reportable

(RAJESH BHARDWAJ)
JUDGE

: Yes/No
: Yes/No