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

CRM-M-52564-2025
Date of Decision: 21.11.2025

Sarif @ Sarif Rajpur @ Gopal ...Petitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Navkiran Singh, Advocate and
Ms. Rubina Singh, Advocate
for the petitioner.

Mr. Tanuj Sharma, A.A.G., Haryana.

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 22-C 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 along with the contraband. Finding the information received to be reliable, the Police party constituted a raiding team. Raid was conducted and Suresh was apprehended along with the contraband. On his search, 48 capsules were recovered from his possession. 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 Pankaj disclosed about involvement of Anil Sharma as the main supplier and from whom recovery of 1920 capsules of Tramadol Hydrochloride, was effected. Thereafter, Anil Sharma made a disclosure about present petitioner, namely, Sarif @ Sarif Rajpur @ Gopal. Thus, the petitioner was also arrayed as an accused and resultantly, arrested on 21.02.2025. Investigation commenced. Samples taken were sent to FSL. Challan was presented and after framing of charges, trial commenced. The petitioner approached learned Additional Sessions Judge-Cum-Exclusive Court, Karnal for grant of bail, however, finding no merit, the same was declined after hearing both the sides by Learned trial Court vide order dated 05.08.2025. Aggrieved by the same, the petitioner has approached this Court by way of filing of present petition praying for the grant of regular bail.

3. It has been contended by learned counsel for the petitioner that the petitioner has been falsely and frivolously implicated in this case. He submits that the petitioner has been implicated in the present case on the basis disclosure statement of co-accused, namely, Anil Sharma, from whom recovery of 1920 capsule weighing 1040 grams of Tramadol Hydrochloride, was effected. He submits that neither the petitioner was named in the FIR nor any recovery has been effected from him. To buttress his arguments, he has submitted that even otherwise, the disclosure statement is not even an admissible evidence. He further submits that co-accused, namely, Anil Sharma, from whom the recovery was effected has already been granted bail by this Court vide order dated 02.09.2025 passed in CRM-M-28823-2025. He thus, submits that in the overall facts and circumstances, the petitioner deserves to be granted bail.



4. Per contra, learned State counsel has opposed the submissions made by the counsel for the petitioner. He has submitted that petitioner was named in the disclosure statement of co-accused Anil Sharma from whom recovery of 1920 capsule weighing 1040 grams of Tramadol Hydrochloride, was effected, which is a commercial quantity and thus, provisions of Section 37 of NDPS Act, are attracted in the present case. He submits that the petitioner was arrayed as an accused on the basis of disclosure statement of co-accused, namely, Anil Sharma, however, endorsed the fact that he has already been granted bail by this Court vide order dated 02.09.2025 passed in CRM-M-28823-2025. He has produced the custody certificate of the petitioner on record.

5. On hearing counsel for the parties and perusing the record, it is deciphered that the petitioner in the present case was arrayed as an accused on the basis of disclosure statement of the co-accused, Anil Sharma, from whom recovery of 1920 capsule weighing 1040 grams of Tramadol Hydrochloride, was effected, which is a commercial quantity. Co-accused, is already on bail granted bail by this Court vide order dated 02.09.2025. As per custody certificate, the petitioner has suffered an incarceration of 07 months and 02 days as on 20.11.2025. It further reflects that the petitioner is involved in one more case.

6. 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.

7. 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. 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 on the basis of parity.
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. 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 petitioner during the period of 07 days from today, then his further custody period after one week will not be counted in the present case.

21.11.2025
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(RAJESH BHARDWAJ)
JUDGE

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