



CRM-M-53454-2025

-1-

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

CRM-M-53454-2025

Date of Decision: 26.09.2025

Sombir

..... Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Deepak, Advocate, for the petitioner.

Mr. Tanuj Sharma, AAG, Haryana.

Rajesh Bhardwaj, J. (ORAL)

1. Petitioner has approached by way of filing the present petition praying for grant of regular bail in case FIR No.39 dated 22.02.2024 under Sections 20, 29 of NDPS Act, registered at Police Station Dujana, Jhajjar, District Jhajjar.

2. Succinctly the facts of the case are that on 22.02.2024, the police party while on patrolling, received a secret information to the effect that Somveer (petitioner), Sukhveer and Jai Parkash are involved in smuggling of Ganja. It was informed that they are going from Jhajjar towards Hisar via Rohtak in a Honda City Car bearing No.HR-51-AP-1583 and in case of barricading, they could be arrested along with the contraband. On receiving the information, a raiding party was constituted and laid the barricading at the disclosed place. Thereafter, a car was seen coming from Jhajjar in which 03 persons were travelling. They were apprehended and on asking, the driver disclosed his name as Somveer, the person sitting on the passenger side disclosed his name as Jai Parkash and the 3rd person who was sitting on the rear seat, disclosed his name as Sukhveer. They were



suspected to be carrying some contraband and thus, the search was conducted. On conducting the search of the car, a plastic bag of blue colour was recovered from the dikki and on search of the same, 45 kgs of ganja was recovered. They failed to produce any licence regarding the possession of the same and thus, they all were arrested on the spot. On registration of FIR, investigation commenced. Samples taken from the contraband were sent to FSL. On receiving the FSL report, challan was presented and on framing of charges, the trial Court commenced with the trial. The petitioner approached the learned Additional Sessions Judge, Jhajjar for grant of bail, however, after hearing both the sides, the same was declined by learned trial Court vide order dated 01.09.2025. Aggrieved by the same, the petitioner is before this Court by way of filing the present petition.

3. Learned counsel for the petitioner, at the outset, prays for the grant of bail to the petitioner on the basis of parity with that of the co-accused, namely, Jai Parkash. He has drawn the attention of this Court to the order dated 21.08.2025 passed in **CRM-M-5625-2025**, whereby, co-accused Jai Parkash has been granted regular bail by this Court. He submits that though the petitioner is involved in one more case, however, he is on bail in the same. The petitioner is in custody since 22.02.2024. He submits that on the basis of the parity, the petitioner deserves to be granted bail as the case of the petitioner is similar to that of the said co-accused, who has already been granted bail.

4. Learned State counsel has endorsed the factum of grant of bail to the co-accused of the petitioner as stated above and has not denied that the petitioner is at par with the co-accused, namely, Jai Parkash. However, he



CRM-M-53454-2025

-3-

submits that the contraband recovered in the present case falls under the commercial quantity and thus, provisions of Section 37 of the NDPS Act are attracted. He has placed on record the custody certificate of the petitioner.

5. After hearing learned counsel for the parties and perusing the record, it is deciphered that the petitioner is behind bars since 22.02.2024. Co-accused, namely, Jai Parkash is on bail and the case of the petitioner as stated is at par with him. Custody certificate of the petitioner shows that the petitioner has suffered incarceration of 01 year, 06 months & 27 days as on 25.09.2025. It further reflects that the petitioner is involved in one more case however, he is on bail in the same.

6. 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

21it 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.’

7. This Court would refrain itself from commenting anything on the merits of the case. 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. 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.

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

26.09.2025
sharmila

(RAJESH BHARDWAJ)
JUDGE

Whether Speaking/Reasoned :	Yes/No
Whether Reportable :	Yes/No