



232

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

**CRM-M No.67582 of 2025
Date of Decision: 05.12.2025**

Rajbir Chauhan @ Ullas Mehto

..... Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Shakti Singh, Advocate
for the petitioner.

Ms. Diya Sodhi, Sr. DAG, Haryana.

RAJESH BHARDWAJ, J. (ORAL)

1. Present petition has been filed praying for the grant of regular bail to the petitioner in case bearing FIR No.212, dated 18.03.2024, under Sections 15-C, 25 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station City Karnal, District Karnal.

2. Succinctly, the facts of the case are that the police party while on patrolling on 18.03.2024, received a secret information to the effect that Dheer Singh @ Dheera and his friend Titu are involved in drug paddling business. It was informed that they are bringing a large quantity of doda (waste) and chura post in a vehicle bearing registration No.HR-45D-6996 brand TATA INTRA V30 and in case of raid, they could be apprehended alongwith the contraband. On receiving the secret information, the raiding party was constituted and reached the place as



disclosed in the secret information. They found that a truck parked, in which two persons were sitting. On seeing the police, they got perplexed and tried to escape from the window of the vehicle, however, both were apprehended. On asking, they disclosed their names to be Titu and Dheer Singh @ Dheera. They were suspected to be carrying some contraband and thus, search of the vehicle was conducted. On conducting the search, 10 plastic bags containing 200 Kgs of doda post were recovered. They failed to produce any licence regarding the conscious possession of the same, thus, the FIR was registered and both were arrested on the spot. On registration of the FIR, the investigation commenced. The samples taken were sent to the FSL. During the investigation, complicity of the petitioner surfaced and thus, he was arrayed as an accused in the present petition. Resultantly, the petitioner was arrested on 28.03.2024. The petitioner approached the Court of learned Additional Sessions Judge-cum-Exclusive Court for Fast Track of Offences under NDPS Act, Karnal praying for the grant of regular bail. However, after hearing both the sides and finding no merit in the same, the learned Additional Sessions Judge-cum-Exclusive Court for Fast Track of Offences under NDPS Act, Karnal, dismissed the bail application filed by the petitioner vide order dated 21.11.2025. Hence, the petitioner has approached this Court praying for the grant of regular bail by way of filing the present petition.

3. Learned counsel for the petitioner has submitted that the petitioner has been falsely implicated in the present case. He has submitted that the petitioner has been arrayed in this case on the basis of



disclosure statement of co-accused, namely, Jafar Aalam. He has submitted that no recovery has been effected from the petitioner and thus, his case is on better footing than that of the co-accused, from whom the recovery has been effected. He, at the outset, prays for the grant of regular bail to the petitioner on the basis of parity with that of the co-accused, namely, Jafar Aalam, Titu and Dhir Singh @ Dheera. He has drawn the attention of this Court to the orders dated 21.07.2025, 13.10.2025 and 14.10.2025, respectively passed in **CRM-M-47252-2024, CRM-M-53709-2025 and CRM-M-56274-2025**, whereby, co-accused, namely, Jafar Aalam, Titu and Dhir Singh @ Dheera have been granted regular bail by this Court. He submits that the petitioner is behind bars since the date of his arrest, i.e. 28.03.2024. He submits that on the basis of parity, the petitioner deserves to be granted bail as the case of the petitioner is similar to that of the said co-accused, who have already been granted bail.

4. *Per contra*, learned counsel for the State has opposed the submissions made by learned counsel for the petitioner. She has submitted that complicity of the petitioner has been surfaced on the basis of disclosure statement of co-accused as he is the supplier of the contraband. She has submitted that the recovery of 200 Kgs of Doda Post effected in the present case from co-accused is commercial in nature and thus, the provisions of Section 37 NDPS Act are attracted. She has further 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, Jafar Aalam, Titu and Dhir Singh @



Dheera. She has produced custody certificate of the petitioner today in the Court which is taken on record.

5. Heard.

6. After hearing learned counsel for the parties and perusing the record, it is deciphered that the petitioner has been arrayed as an accused in the present case on the basis of disclosure statement of co-accused. No recovery has been effected from the petitioner, however the recovery of 200 Kgs of Doda Post has been effected from co-accused, which is commercial in nature. The petitioner is behind bars since the date of his arrest, i.e. 28.03.2024. Co-accused, namely, Jafar Aalam, Titu and Dhir Singh @ Dheera are on bail and the case of the petitioner as stated is at par with them. Custody certificate produced would show that the petitioner has suffered incarceration of 01 year, 08 months & 06 days as on 04.12.2025. It further reflects that the petitioner is involved in 02 more cases, however in 01 case, he has been acquitted.

7. 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.

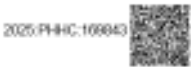
20 xxxxx

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.'

8. 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.

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. However, if the petitioner does not furnish the bail bonds within seven days from today, then his further custody period after one week will not be counted in this case.

05.12.2025
rittu

(RAJESH BHARDWAJ)
JUDGE

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