



276

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

**CRM-M No.67840 of 2025
Date of Decision: 08.12.2025**

Kamal Singh

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Pratham Sethi, Advocate
for the petitioner.

Mr. Tanuj Sharma, AAG, 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.241, dated 07.09.2023, under Section 15(c) of NDPS Act, 1985, registered at Police Station Narwana Sadar, District Jind.

2. Succinctly, the facts of the case are that the police party, while on patrolling on 07.09.2023, received a secret information to the effect that Sandeep @ Koka is involved in selling of poppy husk and sitting in front of the tubewell room in the fields of Raja son of Bhartu and in case of raid, he could be apprehended along with the contraband. On receiving the secret information, the raiding party was constituted and reached the place as disclosed in the secret information. A young person along with 03 plastic bags was seen sitting outside the tubewell room in the field. On seeing the police, he got perplexed and tried to escape,



however with the help of police officials, he was apprehended. On asking, he disclosed his name to be Sandeep @ Koka. He was suspected to be carrying some contraband in 03 plastic bags being carried by him and thus, the search was conducted. On conducting the search of all 03 bags, in all 52 Kgs 700 grams of Doda Post (Poppy Husk) was recovered. The petitioner failed to produce any licence regarding the conscious possession of the same, thus, the FIR was registered and he was 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, namely, Kamal Singh, surfaced and thus, he was arrayed as an accused in the present case. Resultantly, the petitioner was arrested on 03.10.2025. The petitioner approached the Court of learned Additional Sessions Judge, Jind 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, Jind, declined the bail application filed by the petitioner vide order dated 15.10.2025. Hence being aggrieved, the petitioner is before this Court by way of filing the present petition praying for the grant of regular bail.

3. Learned counsel for the petitioner has vehemently contended that the petitioner has been falsely implicated in the present case on the basis of disclosure statement of co-accused, which is not even an admissible evidence. He has submitted that co-accused, namely, Sandeep @ Koka, from whom the recovery of 52 Kgs 700 grams of Doda Post has been effected, has already been granted bail by this Court vide order dated 08.01.2025, passed in CRM-M-55693-2023. He has submitted that



the recovered contraband from co-accused was 52 Kgs 700 grams of Doda Post, which is marginally above the commercial quantity. He has submitted that the petitioner has no criminal antecedents as he has never been involved in any other case. He has submitted that the petitioner is behind bars since 03.10.2025. 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, Kamal Singh. He has drawn the attention of this Court to the order dated 26.11.2025 passed in **CRM-M-47958-2025**, whereby, co-accused, namely, Kamal Singh has been granted regular bail by this Court. He has submitted 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 has already been granted bail.

4. *Per contra*, learned State counsel has vehemently opposed the submissions made by counsel for the petitioner. He has submitted that the recovery effected in the present case from the co-accused is commercial in nature and thus, the provisions of Section 37 of NDPS Act are attracted. He has submitted that co-accused, Sandeep @ Koka from whom the recovery has been effected has already been granted bail by this Court vide order dated 08.01.2025. He 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, Kamal Singh, who has already been granted bail by this Court vide order dated 26.11.2025. He has produced custody certificate of the petitioner today in the Court, which is taken on record.

5. I have heard learned counsel for the parties and perused the



record with their able assistance.

6. On hearing learned counsel for the parties and perusing the record, it is deciphered that the petitioner was arrayed as an accused in the present case on the basis of disclosure statement of co-accused. Recovery of 52 Kgs 700 grams of Doda Post in the present case, which is commercial in nature, has been effected from co-accused, namely, Sandeep @ Koka, who has already been granted bail by this Court vide order dated 08.01.2025 passed in CRM-M-55693-2023. The petitioner is behind bars since 03.10.2025. Custody certificate produced would show that the petitioner has suffered incarceration of 02 months and 03 days as on 05.12.2025. Co-accused of the petitioner, namely, Kamal Singh has already been granted bail by this Court vide order dated 26.11.2025 passed in CRM-M-47958-2025.

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 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. 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. The trial of the case will take sufficient long time. Keeping in view the arguments raised by both the sides and perusing the record, 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 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.

08.12.2025

rittu

(RAJESH BHARDWAJ)
JUDGE

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