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

CRM-M-69749-2025

Date of decision : 22.12.2025

Somi

.....Petitioner

versus

State of Haryana

..... Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Nikhil Vats, Advocate
for the petitioner.

Ms. Diya Sodhi, Sr. D.A.G., Haryana.

RAJESH BHARDWAJ, J. (Oral)

1. Petitioner has approached this Court by way of present petition praying for granting them regular bail in case FIR No.197 dated 12.05.2023, under Sections 20 and 18 of Narcotic Drugs and Psychotropic Substances Act, 1985, Section 29 of NDPS Act, added lateron, registered at Police Station Sampla, District Rohtak.

2. Succinctly, the facts of the present case are that the police party, while on patrolling on 12.05.2023, received a secret information to the effect that Ritik and Somi (present petitioner) are involved in selling and buying of drugs i.e. charas and opium. It was informed that they along with their friends Naveen and Jagdeep, would come in their Swift Dezire car bearing No.HR-12-AP-9328 and would travel from Delhi to Rohtak. In case the barricading is laid, they could be arrested along with contraband. On receiving the information, a raiding team was constituted and reached at the place disclosed. Thereafter, the car as disclosed was seen coming and same was stopped. 04 persons were found travelling in



the car. On asking, driver of the car, disclosed his name to be Jagdeep, person sitting on the passenger seat disclosed his name to be Naveen and persons sitting at the back seat of the car, disclosed their names to be Ritik and Somi (present petitioner). They were suspected to be carrying some contraband and thus, search of the car was conducted. On conducting the search of the car, 4.814 kgs of Charas and 902 grams of opium were recovered. They failed to produce any licence regarding the conscious possession of the same and thus, FIR was registered and all 04 persons were arrested on the spot. Samples taken were sent to FSL. On receiving the FSL report, challan was presented and on framing of charges, trial commenced. The petitioner approached the learned Additional Sessions Judge, Rohtak for grant of bail. However, after hearing both the sides and finding no merit in the same, the learned Additional Sessions Judge, Rohtak declined the bail application vide order dated 19.11.2025. Hence being aggrieved, petitioner is before this Court praying for the grant of bail by way of filing the present petition.

3. Learned counsel for the petitioner, at the outset, prays for the grant of bail on the basis of parity with that of the co-accused. He has drawn the attention of this Court to the common order dated 14.10.2025, passed by this Court in **CRM-M-11366-2024 and CRM-M-24387-2025**, whereby co-accused of the petitioner, namely, Naveen Saini and Ritik, have been granted the concession of bail. He has submitted that case of the petitioner is at par with that of the co-accused, who have been granted bail by this Court. He submits that on the basis of the parity, petitioner deserves to be granted bail.

4. Learned State counsel, on instructions, has opposed the submissions made by the counsel for the petitioners and submits that there



was a specific secret information against the petitioner and all the 04 persons were arrested on spot and the petitioners were also travelling in the same car. However, he endorsed the fact that case of the petitioner is at par with co-accused, namely, Naveen Saini and Ritik, who have already been granted bail by this Court. He has produced the custody certificate of the petitioner today in the Court and the same is taken on record.

5. On hearing counsel for the parties and perusing the record, it is inferred that the petitioner is behind bars since the date of his arrest. The recovery of contraband has been effected on the basis of secret information in a public place. As per custody certificate, petitioner has suffered an incarceration of 02 years, 07 months and 01 days as on 19.12.2025. It further reflects that the petitioner has no criminal antecedents. Admittedly, co-accused of the petitioner have already been granted bail by this Court.

6. 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

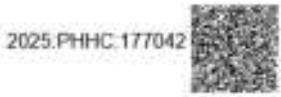
23. *There is a further danger of the prisoner turning to crime, “as crime not only turns admirable, but the more professional the crime, more honour is paid to the criminal”²² (also see Donald Clemmer’s ‘The Prison Community’ published in 1940²³). Incarceration has further deleterious effects - where 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.*

7. 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.

8. 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.”

9. The Hon’ble Supreme Court in a recent decision dated 03.07.2024 in ‘**Javed Gulam Nabi Shaikh Vs. State of Maharashtra, Criminal Appeal No. 2787 of 2024**’, has held that howsoever serious a crime may be, an accused has the right to speedy trial under the Constitu-
tion of India.

10. This Court would refrain itself from commenting anything on the merits of the case. Thus, keeping in view the overall facts and circumstances of the case, this Court is of the opinion that learned counsel for the petitioner succeed in making out a case for grant of regular bail on the basis of parity. Accordingly, the petition is allowed. 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.

22.12.2025
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(**RAJESH BHARDWAJ**)
JUDGE

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