



CRM-M-71207-2025

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

**CRM-M-71207-2025**

Date of Decision: 22.12.2025

Deven Kashyap

..... Petitioner

Versus

State of Haryana

.....Respondent

**CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ**

Present: Mr. Sutikshan Sharma, Advocate, for the petitioner.

Mr. N.P.Chandel, AAG, Haryana.

**Rajesh Bhardwaj, J. (ORAL)**

1. Present second petition has been filed for grant of regular bail in case FIR No.62 dated 21.01.2024, under Section 22(C), 29 of Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station City Yamuna Nagar, District Yamuna Nagar.

2. Succinctly the facts of the case are that the Police party while on patrolling on 21.01.2024, received a secret information to the effect that Gopal @ Vicky is involved in selling of narcotic drugs. It was informed that he would go on his Hero Splendor bike towards Bank colony Yamuna Nagar. It was informed that he was carrying a yellow coloured polythene hanging on the left side of the motorcycle. In case of barricading, he could be arrested along with contraband. On receiving the secret information, the raiding party reached at the place disclosed and laid the barricading. A person riding on the motorcycle was seen coming. On seeing the police, he got perplexed and threw the bag which he was carrying on the motorcycle. Though he tried to escape, however, he was overpowered by the police party. On asking, he disclosed his name to be Gopal @ Vicky. He was



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suspected to be carrying some contraband in the bag thrown by him and thus, the same was searched. On conducting the search, 680 capsules of Tramadol Hydrochloride were recovered from the same. He failed to produce any license regarding possession of the same and hence, the FIR was registered and he was arrested on spot. The investigation commenced. The samples taken were sent to the FSL. On receipt of FSL report, the capsules recovered were found to be weighing 357.6 grams of Tramadol Hydrochloride. During the investigation, he disclosed about the complicity of co-accused Lakhwinder Singh and it is on the disclosure statement of Lakhwinder Singh, present petitioner was arrayed as an accused and he was arrested on 20.07.2024. On presentation of the challan, charges were framed and on framing of charges, trial commenced. The petitioner approached learned Additional Sessions Judge, Yamuna Nagar praying for grant of bail, however, finding no merit, after hearing both the sides, the same was declined by learned Court vide order dated 05.11.2024. Aggrieved by the same, the petitioner earlier approached this Court by way of filing of CRM-M-2310-2025, however, the same was dismissed on merits vide order dated 24.07.2025. Hence, petitioner is before this Court by way of filing of present second petition for grant of bail.

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, Lakhwinder @ Lucky and Gopal @ Vicky. He has drawn the attention of this Court to the order dated 11.02.2025 and 28.11.2025 passed in **CRM-M-38145-2024** and **CRM-M-26077-2025**, whereby, co-accused Lakhwinder @ Lucky and Gopal @ Vicky have been granted



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regular bail by this Court. 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 have 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, Lakhwinder @ Lucky and Gopal @ Vicky. 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 20.07.2024. Co-accused, namely, Lakhwinder @ Lucky and Gopal @ Vicky is on bail and the case of the petitioner as stated is at par with them. Custody certificate of the petitioner shows that the petitioner has suffered incarceration of 01 year, 05 months & 02 days as on 21.12.2025. It further reflects that the petitioner is involved in one more case.

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

*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"<sup>22</sup> (also see Donald Clemmer's 'The Prison Community' published in 1940<sup>23</sup>). 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. It is being clarified that in case the petitioner does not furnish



bail/surety bonds within a period of one week from today, his custody will not be counted in the present case after one week.

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

|            |                             |        |
|------------|-----------------------------|--------|
|            | (RAJESH BHARDWAJ)           |        |
|            | JUDGE                       |        |
| 22.12.2025 | Whether Speaking/Reasoned : | Yes/No |
| sharmila   | Whether Reportable :        | Yes/No |