

CRM-M-5031-2026

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2026 PHHC 089517



CRM-M-1657-2026

217+320 (2 cases)

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

1.

CRM-M-5031-2026

Suresh @ Shashi

.....Petitioner

versus

State of Haryana

..... Respondent

2.

CRM-M-1657-2026

Sandeep

.....Petitioner

versus

State of Haryana

..... Respondent

Date of decision : 05.05.2026

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Sandeep Parkash Chahar, Advocate
for the petitioner in CRM-M-5031-2026.

Mr. Rakesh Kumar Lathwal, Advocate
for the petitioner in CRM-M-1657-2026.

Mr. Tanuj Sharma, A.A.G., Haryana.

RAJESH BHARDWAJ, J. (Oral)

1. By way of this common order, this Court intend to dispose of abovesaid two petitions as they have arisen out of the same FIR.

2. Petitioners have approached this Court by way of present petitions praying for granting them regular bail in case FIR No.226 dated 22.11.2024, under Sections 20(b)(ii)(c) and 29 of Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Lakhna Majra, District Rohtak.

3. Succinctly, the facts of the present case are that the police



party, while on patrolling on 22.11.2024, received a secret information to the effect that Suresh is involved in selling of intoxicant material (*charas*) and today also he is selling the same to the passerby near Sri Shyam Temple. In case the raid is conducted, he could be apprehended along with the contraband. On receiving the information, police party reached at the place as disclosed by the informer and a man was seen there who was carrying a black coloured plastic bag in his right hand. On suspicion, he was apprehended and on asking, he disclosed his name to be Suresh @ Shashi (petitioner in CRM-M-5031-2026). He was suspected to be carrying some contraband, thus, on giving the offer, search was conducted. On conducting search, 01 kg 34 grams of charas was recovered from his possession. He failed to produce any licence regarding possession of the same and hence, the FIR was registered and he was arrested on spot. The investigation commenced. During investigation, complicity of petitioner-Sandeep (in CRM-M-1657-2026) was duly established and thus, he was also arrayed as an accused and resultantly, arrested on 11.06.2023. The samples taken were sent to the FSL. On receipt of FSL report, challan was presented and on framing of charges, the trial commenced. Petitioners approached Learned Additional Sessions Judge, Rohtak, praying for grant of bail, however, finding no merit, application of petitioners-Suresh @ Shashi and Sandeep, were declined after hearing both the sides by Learned trial Courts vide orders dated 21.08.2025 and 17.12.2025, respectively. Aggrieved by the same, petitioner-Suresh @ Shashi earlier approached this Court twice by way of filing of CRM-M-22613-2025 and CRM-M-50150-2025 and both were disposed of by this Court vide orders dated 14.07.2025 and 01.10.2025, respectively, hence, he is before this Court by way of filing of present



third petition. However, qua petitioner-Sandeep, the present one is the first petition for grant of regular bail.

4. Learned counsels for the petitioners have contended that the petitioners have been falsely implicated in the present case. It is submitted that admittedly the case of the prosecution is based on the secret information, however, there is blatant violation of provisions of Section 42 of NDPS Act. It is submitted that the compliance of Section 50 of NDPS Act, was mandatory while conducting the search, however, there is a blatant violation of the same as recovery of 1kg 34 grams of charas has been allegedly effected from petitioner-Suresh @ Shashi.

5. Learned counsel for petitioner-Sandeep has submitted that neither the petitioner has been named in the secret information nor any recovery has been effected from him. It is submitted that the petitioner has been implicated in the present case only on the basis of disclosure statement of co-accused, which in itself is not an admissible evidence. It is submitted that the alleged recovery has been effected from a public place, however, no independent witness was joined by the investigating agency.

6. It is submitted by counsels for the petitioners that as per the statutory provisions of NDPS Act, the contraband *charas* above 01 kg is commercial in nature, whereas, in the present case the recovery is of 01 kg 34 grams of charas, which is marginally above the commercial quantity. It is submitted that though petitioner-Suresh @ Shashi is involved in 05 more cases, however, in 03 of the them, he is on bail and qua petitioner-Sandeep, he has no criminal antecedents. It is thus, submitted that in the facts and circumstances of the present case, petitioners deserve the concession of regular bail.

7. Learned State counsel has opposed the submissions made by



the counsel for the petitioners and submits that petitioner-Suresh @ Shashi is a habitual offender, who is involved in 05 more cases. He submits that petitioner-Sandeep is also involved in 01 more case, however, he is on bail in that case. He submits that the secret information was specifically received regarding petitioner-Suresh. He submits that complicity of petitioner-Sandeep was duly established during investigation, as he was found to be the supplier of the contraband. He submits that the alleged recovery effected in the present case is 01 kg 34 grams of *charas*, which is a commercial quantity and thus, provisions of Section 37 of NDPS Act, are attracted. He, on instructions, has submitted that out of total 18 prosecution witnesses, only 01 witness has been examined so far. He has produced the custody certificates of the petitioners on record.

8. On hearing counsel for the parties and perusing the record, it is deciphered that the case of the petitioner is based on secret information. Violation of provisions of Sections 42 and 50 of NDPS Act, has been vehemently contended. Petitioner-Sandeep has been implicated in the present case on the basis of disclosure statement of co-accused. Admittedly, the alleged recovery of 01 kg 34 grams of *charas*, effected in the present case is marginally above the commercial quantity. As per custody certificate, petitioner-Suresh @ Shashi has suffered incarceration of 01 year, 04 months and 21 days as on 04.05.2026. It further reflects that he is involved in 05 more cases, however, in 03 of them he is on bail and in 02 cases he has undergone the sentence. Petitioner-Sandeep has suffered an incarceration of 10 months and 17 days as on 03.05.2026. It further reflects that though he is involved in one more case, however, he is on bail in the same. As submitted before this Court, out of total 18 prosecution witnesses, 01 witness has been examined.



9. 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.

10. 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.
11. 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 petitioners succeed in making out a case for grant of regular bail. Accordingly, both the petitions are allowed. Petitioners are ordered to be released on bail on their 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.

05.05.2026
ps-I

(RAJESH BHARDWAJ)
JUDGE

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