



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

208

CRM-M-9061-2026

Date of Decision: 19.05.2026

BAJRANG

..... Petitioner

Versus

STATE OF HARYANA

....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Sahil Choudhary, 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.456, dated 18.08.2023, under Sections 20 & 29 of NDPS Act, 1985, registered at Police Station Industrial Sector-29, Panipat, Haryana.

2. Succinctly, the facts of the case are that on 18.08.2023 police party while on patrolling received a secret information to the effect that Ritik was riding a white Honda Activa scooter bearing No.HR 06 AX 4998 and going to GT Road, Panipat to sell narcotic substances. On receiving secret information, barricading was laid at place disclosed and said scooter was seen coming. On signal, the vehicle was stopped and on asking, the person disclosed his name as Ritik. He was suspected to be carrying some contraband and thus, search was conducted. On conducting the search, 1 kg



300 grams of Charas, was recovered from the trunk of the activa. He failed to produce any licence regarding the possession of the same. Thus, the FIR was registered and he was arrested on the spot. On registration of FIR, the investigation commenced. Samples taken were sent to FSL. On completion of the investigation, the challan was presented and on framing of the charges the trial commenced. The petitioner approached the Court of learned Additional Sessions Judge, Panipat 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, Panipat, dismissed the bail application filed by the petitioner vide order dated 22.09.2025. Hence, being aggrieved, 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 and frivolously implicated in the present case. He has submitted that the petitioner has been implicated in the present case on the basis of disclosure statement of co-accused, which is not even an admissible evidence. He, at the outset, prays for the grant of bail to the petitioner on the basis of parity with that of the co-accused, namely, Vicky. He has drawn the attention of this Court to the order dated 30.01.2025, passed in **CRM-M-16977-2024**, whereby, co-accused, namely, Vicky has been granted regular bail by this Court. He has submitted that the case of petitioner is at par with that of the co-accused, who has already been granted bail by this Court. He has submitted that the petitioner is behind bars since 19.08.2023. He has submitted 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 has 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, Vicky. He, however, has submitted that the contraband, i.e. 1kg 300 grams of Charas, recovered in the present case falls under the category of commercial quantity and thus, the provisions of Section 37 of NDPS Act are attracted. He has produced the custody certificate of the petitioner on record.

5. Heard.

6. After hearing learned counsel for the parties and perusing the record, it is deciphered that the petitioner is behind bars since the date of his arrest, i.e. 19.08.2023. Petitioner has been implicated in the present case on the basis of disclosure statement of co-accused. Admittedly, co-accused, namely, Vicky is on bail and the case of the petitioner as stated is at par with him. Custody certificate produced would show that the petitioner has suffered an incarceration of 02 years and 09 months as on 18.05.2026. It further reflects that the petitioner has no criminal antecedents.

7. 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. xxxxxx

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. xxxxxx

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 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.

19.05.2026
pry

(RAJESH BHARDWAJ)
JUDGE

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