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

**CRM-M No.16634 of 2025
Date of Decision: 14.01.2026**

Amarjeet**..... Petitioner****Versus****State of Haryana****..... Respondent****CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ**

Present: Mr. Dinesh Maurya, Advocate and
Mr. Parmod Chaudhary, Advocate
for the petitioner.

Mr. Tanuj Sharma, AAG, Haryana.

RAJESH BHARDWAJ, J. (ORAL)

1. Present seventh petition has been filed praying for the grant of regular bail to the petitioner in case bearing FIR No.447, dated 07.12.2021, under Sections 21(c) & 27-A of NDPS Act, registered at Police Station Sadar Fatehabad, District Fatehabad.

2. Succinctly the facts of the case are that the police party, while on patrolling on 07.12.2021, received a secret information to the effect that Akbar @ Golu, Dharuv Kumar @ Alok and Ravinder @ Ravi were involved in the business of smuggling of heroin. It was informed that a day prior, these boys went to Gurugram in their car, make Ciaz bearing registration No.HR-26-CM-1967 to bring the heroin and they would be bringing large quantity of heroin. It was informed that in case of barricading at the bridge of Dhagarh, they 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. The car, as disclosed in the secret information, was seen coming, however, on suspicion, the same on stopped. On asking, driver of the car disclosed his name to be Akbar @ Golu, the boy sitting on the adjoining seat disclosed his name to be Dharuv Kumar @ Alok and the person sitting on the back seat of the car disclosed his name to be Ravinder @ Ravi. They were suspected to be carrying some contraband and thus, search of the car was conducted. On conducting the search of the car, 400 grams of heroin was recovered from the dashboard of the car. They failed to produce any licence regarding the conscious possession of the same, thus, the FIR was registered and all the accused were arrested on the spot. On registration of the FIR, the investigation commenced. The samples taken were sent to the FSL. During the investigation, co-accused disclosed the name of petitioner that the contraband recovered was brought for supplying the same to the petitioner, thus, the petitioner was arrayed as an accused in the present case. Resultantly, the petitioner was arrested on 19.04.2022. On completion of the investigation, the challan was presented and on framing of charges, the trial commenced. The petitioner approached the Court of learned Additional Sessions Judge, Fatehabad praying for the grant of bail, however after hearing both the sides and finding no merit in the same, the learned Additional Sessions Judge, Fatehabad declined the bail application filed by the petitioner vide order dated 18.08.2022. Being aggrieved, the petitioner earlier approached this Court six times praying for the grant of regular bail, however all the petitions were dismissed by this Court. Hence being aggrieved, the



petitioner is again before this Court by way of filing the present seventh petition praying for the grant of regular bail.

3. Learned counsel for the petitioner has submitted that the petitioner has been falsely implicated in the present case. He has submitted that neither the petitioner was named in the secret information nor any recovery has been effected from him, however he has been 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 the petitioner has been named in the FIR because he is facing prosecution in 10 other cases, however, in all the cases, he is on bail. He has submitted that the petitioner is behind bars from last more than 3½ years, however there is no progress in the trial. He has submitted that in the facts and circumstances of the case, the petitioner deserves to be granted bail.

4. *Per contra*, learned counsel for the State has vehemently opposed the submissions made by learned counsel for the petitioner. He has submitted that the petitioner is a habitual offender, who is facing prosecution in other cases of similar nature. He has submitted that the petitioner paid an amount of Rs.2,50,000/- to the co-accused for providing him heroin and it is on his money, the recovered contraband from the co-accused was purchased. He has submitted that the recovered contraband from the co-accused is 400 grams of heroin, which is commercial in nature and thus, the provisions of Section 37 of NDPS Act are attracted. He, on instructions, has submitted that out of total 20 prosecution witnesses, 09 witnesses have been examined so far. He has produced custody certificate of the petitioner today in the Court, which is taken on record.



5. Reply dated 06.06.2025 by way of an affidavit of Jagdish Kumar, HPS, Deputy Superintendent of Police, Fatehabad, District Fatehabad on behalf of the respondent-State has already been filed by the learned State counsel in the Court, which is taken on record.

6. Heard.

7. On hearing learned counsel for the parties and perusing the record, it is deciphered that the petitioner has been arrayed as an accused in the present case on the basis of disclosure statement of co-accused. The recovery of 400 grams of heroin was effected from the co-accused, which is commercial in nature. The petitioner is behind bars since 19.04.2022. Custody certificate produced would show that the petitioner has suffered an incarceration of 03 years, 08 months and 22 days as on 13.01.2026. It further reflects that the petitioner is involved in 11 other cases, however, in 05 of the cases, he is on bail and in one case, he has undergone the sentence. Out of total 20 prosecution witnesses, 09 witnesses have been examined. Needless to say that pendency of other cases against the accused cannot be the sole ground for rejection of bail and every accused has the fundamental right of speedy trial.

8. 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.”*

9. 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.

10. This Court would refrain itself from commenting anything on the merits of the case. Keeping in view the arguments raised by both the



sides and perusing the record, the Court is of the opinion that learned counsel for the petitioner succeeds in making out a case for the grant of bail.

11. 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. Nothing said herein shall be treated as an expression of opinion on the merits of the case. However, if the petitioner does not furnish the bail bonds within seven days from today, then his further custody period after one week will not be counted in this case.

14.01.2026

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

(RAJESH BHARDWAJ)
JUDGE