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

CRM-M No.14527 of 2026

Date of decision: 20.05.2026

Istkar @ Kharun @ Mohd. Istkar

.....Petitioner

versus

State of Haryana

..... Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Sudhir Rana, Advocate and
Mr. Deepak Joon, Advocate
for the petitioner.

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

RAJESH BHARDWAJ, J. (Oral)

CRM-11536-2026

Allowed as prayed for.

CRM-M-14527-2026 (O&M)

1. Present petition has been filed praying for the grant of regular bail to the petitioner in case bearing FIR No.483, dated 04.12.2024, under Section 21-C of NDPS Act, 1985 (Section 29 of NDPS Act added later on), registered at Police Station Madhuban, District Karnal.

2. Succinctly, the facts of the case are that the police party, while on patrolling on 04.12.2024, received a secret information to the effect that Rashid and Irshad are involved in smuggling of heroin. It was informed that they were standing before Bastara Toll Tax alongwith the contraband and were waiting for their customers and in case of raid, they could be

apprehended along with contraband. On receiving the secret information, the raiding party was constituted and reached the place as disclosed in the secret information. Two persons resembling, as disclosed in the secret information, were found standing there and both were apprehended by the police party. On asking, they disclosed their names to be Rashid and Irshad. Rashid was holding a bag and the police suspected him to be carrying some contraband in the same, thus, same was searched. On conducting the search, 271 grams and 31 mgs heroin was recovered from the same. They failed to produce any licence regarding the conscious possession of the same, thus, the FIR was registered and both were arrested on the spot. On registration of the FIR, the investigation commenced. Samples taken were sent to the FSL. During the investigation, they made disclosure statement about the involvement of the petitioner, namely, Istkar @ Kharun @ Mohd. Istkar and thus, he was also arrayed as an accused in the present case. Resultantly, the petitioner was arrested on 24.07.2025. The petitioner approached the Court of learned Additional Sessions Judge-Cum-Exclusive Court for Fast Track of Offences under NDPS Act, Karnal 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-Cum-Exclusive Court for Fast Track of Offences under NDPS Act, Karnal dismissed the bail application filed by the petitioner vide order dated 19.02.2026. Hence being aggrieved, the petitioner is before this Court by way of filing the present petition praying for the grant of regular bail.

3. Learned counsel for the petitioner has submitted that the petitioner has been falsely and frivolously implicated in the present case. 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, Mosin and Abid @ Yabid. He has drawn the attention of this Court to the order dated 16.02.2026, passed in **CRM-M No.51615 of 2025 and CRM-M-64334-2025**, whereby, co-accused, namely, Mosin and Abid @ Yabid have 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 have already been granted bail by this Court. He has submitted that the petitioner is behind bars since 24.07.2025. 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 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, Mosin and Abid @ Yabid. He, however, has submitted that the alleged recovery effected from the co-accused in the present case is 271 grams 31 mgs of heroin, which falls under the category of commercial quantity and thus, the provisions of Section 37 of NDPS Act are attracted. He has produced custody certificate of the petitioner today in the Court, which is taken 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. 24.07.2025. Admittedly, co-accused, namely, Mosin and Abid @ Yabid are on bail and the case of the petitioner as stated is at par with them. Custody certificate produced would show that the petitioner has suffered an incarceration of 09 months and 12 days as on 06.05.2026. It further reflects that the petitioner is involved in 03 other cases. Contraband recovered in the

present case falls under the category of commercial quantity.

7. 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:-

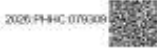
19. A plain and literal interpretation of the conditions under Section 37 (i.e., that Court should be satisfied that the accused is not guilty and would not commit any offence) would effectively exclude grant of bail altogether, resulting in punitive detention and unsanctioned preventive detention as 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.

8. The veracity of the allegations would be assessed only after conclusion of the trial and on the appreciation of evidence to be led by both the parties before the trial Court.
9. 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 succeeds in making out a case for the grant of regular bail on the basis of parity.
10. Accordingly, the present 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.
11. 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.
12. Since the petitioner has already been granted the concession of regular bail by this Court, pending application bearing CRM-19807-2026 praying for the grant of interim bail stands dismissed as having been rendered infructuous.
13. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

20.05.2026
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(**RAJESH BHARDWAJ**)
JUDGE

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