



CRM-M-13973-2026

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

CRM-M-13973-2026

Date of Decision: 16.04.2026

Jagdish Chander @ Jagdish Chand

..... Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Kushaldeep Singh Sandhu, 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.307, dated 09.08.2024, under Sections 20(b)(ii)C of NDPS Act, 1985, registered at Police Station Agroha, District Hisar, Haryana.

2. Succinctly, the facts of the case are that the police party while on patrolling on 09.08.2024, received a secret information to the effect that Jagdish Chander (petitioner) is involved in selling Sulfa. It was informed that one Baba and 3-4 other boys also would come in the vehicle bearing registration No.HR 11G 7306 to purchase Sulfa from him and in case of barricading at Bijli Ghar Agroha-Barwala road Kirori, they could be arrested along with the contraband. On receiving the secret information, the police reached the place as disclosed in the secret information and laid the barricading. The car, as informed in the secret information, was found with six persons sitting inside it. On suspicion, they were apprehended. On asking, they disclosed their names as Amit, Sunil Nath, Jagdish Chander (petitioner), Mandeep, Pawan and Ankit. Jagdish Chander was holding a bag and on search, 1 kg 30 gms of charas/sulfa was recovered. They failed to



produce any license regarding the conscious possession of the same. Thus, the FIR was registered and all were arrested on the spot. On registration of the FIR, the investigation commenced. The samples taken were sent to the FSL. 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, Hisar, praying for the grant of regular bail. However, after hearing both the sides and finding no merit in the same, learned Court declined the bail application filed by the petitioner vide order dated 21.01.2025. Being aggrieved, the petitioner earlier approached this Court praying for the grant of regular bail by way of filing CRM-M-7140-2025, however the same was dismissed vide order dated 08.04.2025. Hence being aggrieved, the petitioner is again before this Court praying for the grant of regular bail by way of filing the present second petition.

3. It has been vehemently contended by learned counsel for the petitioner that the petitioner has been falsely and frivolously implicated in the present case. He submits that similarly situated co-accused has already been granted bail by this Court vide order dated 06.04.2026 passed in CRM-M-17011-2026. He has submitted that the alleged recovery has been effected from a public place and thus, there is violation of Section 42 of the NDPS Act. He further contends that while effecting the alleged recovery there is violation of mandatory provision of Section 50 of the NDPS Act as well. He submits that false implication of the petitioner is evident from the fact that the petitioner has no criminal antecedents as he has never been involved in any other case. He submits that the petitioner is behind the bars from the last



more than 01 year and 08 months, however, there is no material progress in the trial and thus, his right of speedy trial is miserably defeated. He contends that the alleged recovery effected from the petitioner is 1 kg 30 grams of sulfa/charas, which is marginally above the commercial quantity. He, thus, has submitted that in the overall facts and circumstances, the petitioner deserves to be granted bail.

4. Status report by way of affidavit of Kishori Lal, HPS, Deputy Superintendent of Police, Agroha, Hisar filed in Court is taken on record.

Per contra, learned State counsel has vehemently controverted the submissions made by counsel for the petitioner. She submits that the petitioner was specifically named in the secret information. She submits that though all the accused were arrested on the spot, but case of the petitioner is distinguishable from that of the co-accused, who has been granted bail by this Court. She further contends that the recovery effected from the petitioner is 1 kg 30 grams of sulfa/charas, which is commercial in nature and thus, provisions of Section 37 of the NDPS Act are attracted in this case. On instructions, she has submitted that out of total 23 prosecution witnesses, 01 witness has been examined till date. She has placed on record the custody certificate of the petitioner.

5. After hearing counsel for the parties and perusing the record, it is deciphered that as per the case of the prosecution, FIR in the present case was lodged on the basis of secret information. The alleged recovery in the present case was effected from a public place. As contended before this Court, there is violation of Sections 42 and 50 of the NDPS Act, in the present case. Admittedly, the contraband recovered in the present case is



marginally above the commercial quantity. The custody certificate would show that the petitioner has suffered incarceration of 01 year, 08 months & 03 days as on 14.04.2026. It further shows that the petitioner has no criminal antecedents. One witness has been examined out of total 23 prosecution witnesses.

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.

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21it 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.

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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.'

7. 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. 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.
8. Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on her furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate.
9. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

16.04.2026

sharmila

(RAJESH BHARDWAJ)

JUDGE

Whether Speaking/Reasoned :

Whether Reportable :

Yes/No

Yes/No