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CRM-M-20181-2026

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

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CRM-M-14979-2026

Date of Decision: 20.05.2026

Sanjit @ Monu

..... Petitioner

Versus

State of Haryana

.....Respondent

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CRM-M-20181-2026

Date of Decision: 20.05.2026

Sandeep

..... Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Raman Chawala, Advocate, for the petitioner
in CRM-M-14979-2026.

Mr. Abhishek Joon, Advocate
for the petitioner in CRM-M-20181-2026.

Mr. Tanuj Sharma, AAG, Haryana.

Rajesh Bhardwaj, J. (ORAL)

1. By this order, the two above-mentioned petitions are disposed of, both having arisen out of the same FIR.
2. Petitioners have approached this Court by way of filing the present petitions praying for grant of regular bail in case FIR No.201 dated 21.05.2024, registered under Sections 20(b)(ii)C, 20(B), 29/61/85 of NDPS Act, at Police Station Narnaund, Police District Hansi, District Hisar.
3. Succinctly, facts of the case are that on 21.05.2024 the police party while on patrolling received a secret information to the effect that Pawan Kumar @ Pona is concealing the drugs inside the soil under drain pipe in the fields on the unpaved road near the water works. On the finding the information reliable, raid was conducted at the place disclosed. A young boy as disclosed in the secret information was seen putting mud in the



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unpaved drain. On seeing the police, he tried to run away, however, he was apprehended by the police party. On suspicion, the place was searched and 173 kilograms of *ganja* was recovered from there. He failed to produce any licence regarding the possession of the contraband, and thus, on registration of the FIR, he was arrested on the spot. The investigation commenced. Samples taken were sent to the FSL. During the investigation, complicity of the petitioners, namely, Sanjit @ Monu (petitioner in CRM-M-14979-2026) and Sandeep (petitioner in CRM-M-20181-2026) was surfaced and they were also arrayed as accused in the present case. Resultantly, they were arrested on 08.04.2025 and 12.06.2024. The petitioners approached the Court of learned Addl. Sessions Judge, Fast Track, Special Court, NDPS Act, Hisar praying for grant of regular bail. However, after hearing both the sides, the learned Court finding no merit in the same, dismissed the bail applications filed by the petitioners vide orders dated 20.09.2025 and 15.12.2025. Earlier, petitioner Sanjit @ Monu approached this Court by way of filing CRM-M-60617-2025, however, the same was dismissed as withdrawn vide order dated 06.11.2025. Hence, the petitioner Sanjit @ Monu has approached this Court again praying for grant of regular bail by way of filing the present second petition, whereas, petitioner Sandeep has approached this Court by way of filing the present first petition.

4. It has been vehemently contended by learned counsel for the petitioners that the petitioners have been falsely and frivolously implicated in the present case. It is contended that as per the case of the prosecution, 173 kgs of Ganja has been recovered from the co-accused, namely, Pawan



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Kumar @ Pona. They submit that neither the petitioners were named in the FIR, nor any recovery has been effected from them. However, during the investigation, on the disclosure statement of the co-accused, they have been implicated in the present case. They contend that even otherwise, the disclosure statement of the co-accused is not even an admissible evidence. They further contend that admittedly the alleged recovery is from a public place, however, no independent witness has been joined and thus, there is violation of mandatory provisions of Sections 42 and 50 of the NDPS Act. It is contended that the petitioners are behind the bars from the last more than one year, however, there is no progress in the trial and thus, their right of speedy trial is miserably defeated. They, thus, have submitted that in the overall facts and circumstances, the petitioners deserve to be granted bail.

5. *Per contra*, learned State counsel has vehemently controverted the submissions made by counsel for the petitioners. It is submitted that during the investigation, complicity of the petitioners was found in the present case. He contends that recovery of 173 kgs of *ganja* case was effected in the present case from the co-accused, which was commercial in nature and thus, provisions of Section 37 of the NDPS Act are attracted in this case. On instructions, he submits that out of total 23 prosecution witnesses, no witness has been examined till date. He has placed on record the custody certificate of the petitioners.

6. After hearing counsel for the parties and perusing the record, it is deciphered that the alleged recovery of the contraband is from the co-accused of the petitioners and the petitioners were arrayed as accused on the



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disclosure statement of the co-accused. Alleged recovery of 173 kgs of ganja was effected from a public place and thus, violation of Section 42 of the NDPS Act has been vehemently contended by counsel for the petitioners. The custody certificates would show that petitioner Sanjit @ Monu has suffered incarceration of 01 year, 02 months & 03 days as on 19.05.2026 and he has no criminal antecedents, whereas, petitioner Sandeep has suffered incarceration of 01 year & 11 months as on 07.05.2026, though he is involved in three other cases, however, he is on bail in one case and in one case he has undergone the sentence awarded to him. Out of total 23 prosecution witnesses, no witness has been examined.

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.

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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.'

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. 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 petitioners succeed in making out a case for grant of regular bail to the petitioners.

9. Accordingly, the present petitions are allowed and the petitioners are ordered to be released on bail on their furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate.

10. It is being clarified that in case petitioner Sandeep does not furnish bail/surety bonds within a period of one week from today, his

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custody will not be counted in the present case after one week.

11. Nothing said herein shall be treated as an expression of opinion
on the merits of the case.

20.05.2026
sharmila

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

(RAJESH BHARDWAJ)
JUDGE