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

CRM-M-16209-2026

Date of decision : 21.05.2026

Jagdish Singh**.....Petitioner****versus****State of Haryana****..... Respondent****CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ**

Present :- Mr. Mitul Singh Rana, Advocate
for the petitioner.

Ms. Diya Sodhi, Sr. D.A.G., Haryana.

RAJESH BHARDWAJ, J. (Oral)

1. Petitioner has approached this Court by way of present third petition praying for granting him regular bail in case FIR No.287 dated 07.09.2024, under Sections 15-C, 25 & 27A of Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Sadar Pehowa, District Kurukshetra.

2. Succinctly, the facts of the present case are that the police party, while on patrolling on 07.09.2024, received a secret information to the effect that Bhupender Singh @ Pinda, who works as a driver, supplies poppy husk in his vehicle bearing No.PB-11-CZ-2960. It was informed that today also he would bring a large quantity of poppy husk and in case barricading is laid on NH-152, he could be apprehended along with the contraband. On receiving the information, raiding party was constituted and reached at the place as disclosed, where the abovesaid vehicle was seen coming and the same was signalled to stop. On asking, he disclosed his name to be Bhupender Singh. He was suspected to be carrying some



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contraband and on giving the offer the vehicle was searched. On conducting the search of the truck, 765 kgs of poppy husk was recovered from the same. Thus, the FIR was registered and he was arrested on spot. The investigation commenced. During investigation, complicity of the petitioner surfaced and thus, he was arrayed as an accused in the present case and resultantly, he was arrested on 20.09.2024. The petitioner approached Learned Additional Sessions Judge, Fast Track Special Court for trial of offences under NDPS Act, Kurukshetra praying for grant of bail, however, finding no merit, his application was declined after hearing both the sides by Learned trial Courts vide order dated 07.05.2025. Aggrieved by the same, petitioner earlier approached this Court twice by way of filing of CRM-M-58781-2024 and CRM-M-27208-2025, which were dismissed as not pressed vide orders dated 27.03.2025 and 22.09.2025, respectively. Hence, the petitioner is before this Court by way of filing of present third petition, praying for grant of bail.

3. Learned counsel for the petitioner, at the outset, prays for the grant of bail on the basis of parity with that of the co-accused. He has drawn the attention of this Court to the common order dated 17.03.2026 passed by this Court in **CRM-M-13297-2026**, whereby co-accused of the petitioner, namely, Gurdeep @ Suba, has been granted the concession of regular bail. He has submitted that case of the petitioner is at par with that of the co-accused, who has been granted regular bail by this Court. He submits that on the basis of the parity, petitioner deserves to be granted bail as case of the petitioner is similar to that of the co-accused, who has already been granted regular bail.

4. Learned State counsel has also opposed the submissions made by learned counsel for the petitioner. She has submitted that the



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complicity of the petitioner surfaced during investigation. She submits that the recovery effected in the present case is of 765 kgs of poppy husk, which falls under the category of commercial quantity and thus, the provisions of Section 37 of NDPS Act, are attracted in the present case. She has placed on record the custody certificate of the petitioner. However, she endorsed the fact that case of the petitioner is at par with co-accused, namely, Gurdeep @ Suba, has already been granted regular bail by this Court.

5. On hearing counsel for the parties and perusing the record, it is deciphered that the petitioner is behind bars since the date of his arrest, who was arrayed as an accused on the basis of disclosure statement of co-accused. As per custody certificate, petitioner has suffered an incarceration of about 01 year, 03 months and 26 days as on 20.05.2026. It further reflects that though the petitioner is involved in one more case, however, he is on bail in the said case. Admittedly, co-accused of the petitioner, namely, Gurdeep @ Suba, has already been granted regular bail by this Court vide common order dated 17.03.2026. There is no gainsaying that every accused has the fundamental right of speedy trial.

6. 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. 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.*

7. 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.

8. 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 succeed in making out a case for grant of regular bail on the basis of parity.

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

21.05.2026

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(**RAJESH BHARDWAJ**)
JUDGE

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