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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.17011 of 2026
Date of decision: 06.04.2026

Sunil Nath

.....Petitioner

versus

State of Haryana

..... Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Arman Goyal, 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.0307, 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 was involved in selling Sulfa. It was informed that one Baba and 3-4 other boys also came 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 (petitioner), Jagdish Chander, 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, the learned Additional Sessions Judge, Hisar declined the bail application filed by the petitioner vide order dated 10.09.2024. Being aggrieved, the petitioner earlier approached this Court praying for the grant of regular bail by way of filing CRM-M-55960-2024, however the same was dismissed as withdrawn vide order dated 14.11.2024. 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. 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 on the basis of parity with that of the co-accused. He has drawn the attention of this Court to the orders dated 11.02.2026, 25.02.2026 and 06.03.2026, respectively, passed by this Court in **CRM-M-53035-2025, CRM-M-67154-2025, CRM-M-10062-2026** and **CRM-M-11156-2026**, whereby co-accused of the petitioner,



namely, Mandeep, Amit, Pawan and Ankit @ Ankit Malik, have been granted the concession of regular bail. He has submitted that case of the petitioner is at par with co-accused, who have been granted bail by this Court. He submits that on the basis of the parity, the petitioner deserves to be granted bail as case of the petitioner is similar to that of the co-accused, who have already been granted bail by this Court.

4. *Per contra*, learned State counsel has opposed the submissions made by counsel for the petitioner. She, however, has endorsed the fact that case of the petitioner is at par with co-accused, namely, Mandeep, Amit, Pawan and Ankit @ Ankit Malik, who have already been granted bail by this Court. She has submitted that the recovered contraband weighing 1 Kg 30 grams of charas being commercial in nature, and thus, the provisions of Section 37 of the NDPS Act are attracted. She has produced custody certificate of the petitioner today in the Court, which is taken on record.

5. I have heard learned counsel for the parties and perused the record with their able assistance.

6. After hearing counsel for the parties and perusing the record, it is deciphered that admittedly the case of the prosecution is based on secret information. The recovery is made from the public place. As submitted, the recovery as alleged is 1 kg 30 grams of charas/sulfa whereas, quantity above 1 kg is commercial in nature. Custody certificate produced would show that the petitioner has suffered an incarceration of 01 year, 07 months and 23 day as on 02.04.2026. It further reflects that the petitioner is not involved in any other case. Co-accused of the petitioner, namely, Mandeep, Amit, Pawan and Ankit @ Ankit Malik have already



been granted the concession of bail by this Court.

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 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 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 cases will take sufficiently long time. However, keeping in view the overall facts and circumstances of the present case, this Court is of the opinion that learned counsel for the petitioner succeeds in making out a case for grant of regular bail on the basis of parity.

9. 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.

06.04.2026
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(RAJESH BHARDWAJ)
JUDGE

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