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**222+231 IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH**

**CRM-M-19438-2026**

**Naem**

**.....Petitioner**

**versus**

**State of Haryana**

**..... Respondent**

**CRM-M-21654-2026**

**Alla Banda**

**....Petitioner**

**versus**

**State of Haryana**

**....Respondent**

**Date of decision: 18.05.2026**

**CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ**

Present :- Mr. Sandeep Saini, Advocate ( in CRM-M-19438-2026) and  
Mr. Abhijeet Chaudhary, Advocate (in CRM-M-21654-2026)  
for the petitioner(s).

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

**RAJESH BHARDWAJ, J. (Oral)**

1. By way of this common order, this Court intend to dispose of abovesaid two petitions as they have arisen out of the same FIR.
2. Petitioners have approached this Court by way of filing the present second petitions praying for grant of regular bail in case FIR No.291 dated 10.08.2025 under Sections 21-C and 29 (added lateron) of NDPS, 1985 and Sections 111(2)(ii) of BNS, registered at Police Station Sadar Yamuna Nagar, District Yamuna Nagar.
3. Succinctly, facts of the case are that while patrolling the police party received a secret information on 10.08.2025 to the effect that Alladiya and Amzad are involved in sale and purchase of heroin and if barricading is



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laid, they could be apprehended along with the contraband. On receiving the information, barricading was laid near Kalanaur Police Chowki and one motorcycle was seen coming. On suspicion, the same was stopped. On asking, driver of the motorcycle, disclosed his name to be Alladiya and the person sitting pillion, disclosed his name to be Amzad. They were suspected to be carrying some contraband and thus, search was conducted. On conducting the search, 300 grams of heroin was recovered from Alladiya and from accused Amzad, 380 grams of heroin was recovered. They failed to produce any licence regarding possession of the same and thus, they were arrested on spot. On the registration of the FIR, the investigation commenced. During the investigation, complicity of the petitioners surfaced in the disclosure statements made by co-accused, and thus, they were also arrayed as accused and thereafter, petitioner-Naem (in CRM-M-19438-2026) was arrested on 23.09.2025 and petitioner-Alla Banda (in CRM-M-21654-2026) was arrested on 28.09.2025. Petitioners approached the Court of learned Additional Sessions Judge, Yamuna Nagar praying for grant of regular bail. However, after hearing both the sides, the learned Court finding no merits in the applications filed by the petitioners, dismissed the same vide orders dated 17.12.2025 and 18.12.2025, respectively. Aggrieved by the same, petitioners earlier approached this Court by way of filing of CRM-M-73772-2025 and CRM-M-1428-2026, however, the same were dismissed as withdrawn/not pressed by this Court vide orders dated 16.01.2026 and 20.01.2026, respectively. Hence, they are before this Court praying for grant of regular bail by way of filing the present second petitions.

4. Learned counsels for the petitioners, at the outset, prays for the



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grant of bail on the basis of parity with that of the co-accused. They have drawn the attention of this Court to the order dated 01.04.2026 passed by this Court in **CRM-M-10339-2026**, whereby co-accused of the petitioners, namely, Amanat @ Monu has been granted the concession of bail. It is submitted that cases of the petitioners are at par with that of the co-accused, who has been granted bail by this Court. It is thus, submitted that on the basis of the parity, petitioners deserve to be granted bail as case of the petitioners are similar to that of the co-accused, who has already been granted bail.

5. *Per contra*, learned State counsel has vehemently opposed the submissions made by counsels for the petitioners. She has submitted that complicity of the petitioners was surfaced during the investigation. She submits that the contraband recovered in the present case is a commercial quantity and thus, provisions of Section 37 of NDPS Act are attracted. However, she has endorsed the fact that cases of the petitioners are at par with co-accused, namely, Amanat @ Monu, who has already been granted bail by this Court. She has placed on record the custody certificates of the petitioners.

6. The Court has heard learned counsel for the parties and perused the record. Evidently, the FIR in the present case was lodged on the basis of secret information. The petitioners were arrayed as accused in the present case on the basis of disclosure statement of the co-accused. The custody certificates reflects that petitioners have suffered incarceration of more than 07 months as on 14/15.05.2026. It further reflects that though petitioners are involved in other cases as well, however, in majority of cases, they are on



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bail. Admittedly, similarly situated co-accused of the petitioners, is already on bail granted 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 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"<sup>22</sup> (also see Donald Clemmer's 'The Prison Community' published in 1940<sup>23</sup>). 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*



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*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.

9. This Court would refrain itself from commenting anything on the merits of the case. 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 counsels for the petitioners succeed in making out a case for grant of regular bail to the petitioners on the basis of parity.

10. Accordingly, 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.

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

12. In case the bail bonds are not furnished by the petitioners during the period of 07 days from today, then their further custody period after one week will not be counted in the present case.

**(RAJESH BHARDWAJ)**  
**JUDGE**

**18.05.2026**  
*ps-I*

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