



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

114**CRM-M-24113-2024 (O&M).****Date of Decision: 13.01.2026.**

Ram Kishore alias Komal

....Petitioner.

Versus

State of Haryana

....Respondent.

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Pankaj Nanhera, Senior Advocate with
Mr. Rahul Gautam, Advocate
Mr. Aman Mehta, Advocate
Ms. Ishita Arora, Advocate for the petitioner.

Mr. Tanuj Sharma, Assistant Advocate General, Haryana.

RAJESH BHARDWAJ, J.(Oral)

1. Petitioner has approached this Court by way of present petition praying for granting regular bail in case FIR No.234 dated 10.08.2022 under Sections 22(c) and 29 of the N.D.P.S. Act, registered at Police Station Dhauj, District Faridabad.

2. Learned counsel for the petitioner has vehemently contended that the petitioner was falsely implicated in the present case. He has submitted that there is a violation of mandatory provisions of Section 50 of the N.D.P.S. Act, in the present case. This Court, vide order dated 24.09.2024, released the petitioner on interim bail after custody of more than 02 years. It has been submitted that the petitioner has no criminal antecedents and he never misused the concession of interim bail granted to him. It is submitted that the trial is still pending and the prosecution has not been able to examine all its witnesses.

4. Learned State counsel, on the other hand, submitted that in all there are 05 accused and rest of the 04 accused have already been granted bail. He submits that there is no complaint whatsoever received regarding the petitioner having misused the concession of bail. Out of total 17 prosecution witnesses, only 07 witnesses have been examined. He has placed on record custody certificate of the petitioner today in the Court and the same is taken on record. He submits that it is deciphered that the petitioner was granted interim bail on 24.09.2024 when custody of the petitioner was more than 02 years. Though there is one more case against the petitioner, but he has been granted bail in that case and there is no other case of similar nature.

5. Heard.

6. On hearing learned counsel for the parties and perusing the record, the Court finds that after custody of more than 02 years, the petitioner was granted interim bail by this Court vide order dated 24.09.2024.

7. There is nothing on the record to show that the petitioner has misused the concession of interim bail granted by this Court vide order dated 24.09.2024. Custody certificate of the petitioner would show that the petitioner had suffered incarceration of 02 years, 01 months and 16 days on the date when he was released. It further reflects that the petitioner is involved in one more case, however he is on bail in that case.

8. 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.”*

9. 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.
10. This Court would refrain itself from commenting anything on the merits of the case. 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. Accordingly, the interim bail granted by this Court vide order dated 24.09.2024 is made absolute. Nothing said herein shall be treated as an expression of opinion on the merits of the case.
11. Present petition stands allowed.

(RAJESH BHARDWAJ)
JUDGE

13.01.2026
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Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No