



CRM-M-22287-2026

-1-

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

CRM-M-22287-2026

Date of Decision: 07.05.2026

Rohtash

..... Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. D.S. Virk, Advocate, for the petitioner.

Mr. Tanuj Sharma, AAG, Haryana.

Rajesh Bhardwaj, J. (ORAL)

1. Prayer in the present petition is for grant of regular bail to the petitioner in a case FIR No.318 dated 29.11.2024 under Sections 15(c)/27-A/29/61/85 of the NDPS Act, and Section 238/253 of BNS at Police Station Ding, District Sirsa.

3. Succinctly, facts of the case are that on 29.11.2024 the police party while on patrolling when reached little ahead of Mochiwali towards Jodhka, they spotted a silver coloured Alto car bearing registration No.HR-29-U-3631 parked on the roadside. On suspicion, search of the car was conducted. On conducting the search of the car, on the rear seat, four black plastic bags containing poppy husk were found. Total weight of the poppy husk in all four plastic bags was found to be 79 kgs 885 grams. Thus, on the registration of the FIR, the investigation commenced. During the investigation, complicity of the petitioner Rohtash surfaced and he was arrested on 15.02.2026. He approached the Court of learned Additional Sessions Judge, FTSC, Sirsa, praying for grant of regular bail. However, after hearing both the sides, learned Court finding no merit in the same, dismissed the bail application filed by the petitioner vide order dated 06.04.2026. Hence, the petitioner has approached this Court by way of filing



CRM-M-22287-2026

-2-

the present petition.

3. Learned counsel for the petitioner, at the outset, prays for the grant of bail to the petitioner on the basis of parity with that of the co-accused, namely, Satinder Pal, Rakesh, Kheta Ram and Mandeep Kumar @ Punjabi. He has drawn the attention of this Court to the order dated 30.04.2026 passed in **CRM-M-31183-2025** and other connected cases, whereby, co-accused Satinder Pal, Rakesh, Kheta Ram and Mandeep Kumar @ Punjabi, have been granted regular bail by this Court. He submits that on the basis of the parity, the petitioner deserves to be granted bail as the case of the petitioner is similar to that of the said co-accused, who have already been granted bail.

4. Learned State counsel has endorsed the factum of grant of bail to the co-accused of the petitioner as stated above and has not denied that the petitioner is at par with the co-accused, namely, Satinder Pal, Rakesh, Kheta Ram and Mandeep Kumar @ Punjabi. He has placed on record the custody certificate of the petitioner.

5. After hearing learned counsel for the parties and perusing the record, it is deciphered that the petitioner was arrested in this case on 15.02.2026. Co-accused, namely, Satinder Pal, Rakesh, Kheta Ram and Mandeep Kumar @ Punjabi are on bail and as stated before this Court, case of the petitioner is at par with that of the co-accused. Custody certificate of the petitioner shows that the petitioner has suffered incarceration of 02 months & 16 days as on 06.05.2026. It further reflects that the petitioner is involved in four other cases, however, he is on bail in the same.

6. 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

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.

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.'



CRM-M-22287-2026

-4-

7. 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. 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 counsel for the petitioner succeeds in making out a case for grant of regular bail to the petitioner on the basis of parity.

8. 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.

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

07.05.2026

sharmila

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

(RAJESH BHARDWAJ)
JUDGE