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

CRM-M No.24831 of 2026

Date of decision: 08.05.2026

Amarjeet @ Amar

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Nikhil Vats, Advocate
for the petitioner.

Mr. Tanuj Sharma, AAG, 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.285, dated 25.11.2024, under Section 22(C) of NDPS Act, 1985, registered at Police Station Line Par Bahadurgarh, District Jhajjar.

2. Succinctly, the facts of the case are that the police party while on patrolling on 25.11.2024, received a secret information to the effect that Amarjeet @ Amar (petitioner) son of Samunder and Rahul son of Ramesh were involved in selling narcotic substances filled in injections outside their rented room in Vikas Nagar. It was informed that in case of raid, they could be apprehended along with the contraband. On receiving the secret information, the raiding party was constituted and reached the place as

disclosed in the secret information. Two young boys, as informed in the

secret information, were identified by the secret informer, however, both were apprehended by the police party. On asking, they disclosed their names to be Amarjeet @ Amar (petitioner) and Rahul. They were suspected to be carrying some contraband and, thus, their personal search was conducted. From conducting the the personal search of Amarjeet @ Amar (petitioner), 35 injections make Buprenorphine from both the pockets of his trouser were recovered, whereas, from the personal search of Rahul, 25 injections make Buprenorphine from both the pockets of his jeans were recovered. They failed to produce any license regarding the conscious possession of the same, thus, the FIR was registered and both were arrested on the spot. On registration of the FIR, the investigation commenced. The samples taken were sent to the FSL. On receiving the FSL report, the challan was presented and on framing of charges, the trial commenced. The petitioner approached the Court of learned Additional Sessions Judge, Jhajjar praying for grant of regular bail. However, after hearing counsel both the sides and finding no merit in the same, the learned Additional Sessions Judge, Jhajjar dismissed the bail application filed by the petitioner vide order dated 21.04.2026. Hence being aggrieved, the petitioner is before this Court by way of filing the present petition praying for the grant of regular bail.

3. Learned counsel for the petitioner, at the outset, prays for the grant of regular bail to the petitioner on the basis of parity with that of the co-accused, namely, Rahul, who has been granted the concession of regular bail by this Court. He has drawn the attention of this Court to the order dated 13.02.2026 passed in **CRM-M-7360-2026**, whereby, co-accused of the petitioner, namely, Rahul has been granted the concession of regular bail by this Court. He has submitted that the petitioner is behind bars since

25.11.2024. He has submitted 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 has already been granted bail by this Court.

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, Rahul. He, however, has opposed the same and has submitted that the petitioner is specifically named in the secret information. He has further submitted that the contraband, i.e. 120 grams of Buprenorphine, recovered in the present case falls under the category of commercial quantity and thus, the provisions of Section 37 of NDPS Act are attracted. He has submitted that the petitioners are involved in 02 other cases as well. He has produced custody certificate of both the petitioners today in the Court which are taken on record.

5. Heard.

6. After hearing learned counsel for the parties and perusing the record, it is deciphered that the petitioner is behind bars since 25.11.2024. Admittedly, co-accused of the petitioner, namely, Rahul is on bail and the case of the petitioner as stated is at par with him. Contraband, I.e 120 grams of Buprenorphine recovered in the present case falls under the category of commercial quantity. Custody certificate produced would show that the petitioner has suffered an incarceration of 01 year, 05 months & 11 days as on 06.05.2026. It further reflects that the petitioner is involved in 02 other cases, however in 01 case, he is on bail.

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

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 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. Keeping in view the arguments raised by both the sides, 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.

10. 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.

11. However, if the petitioner does not furnish the bail bonds within seven days from today, then his further custody period after one week will not be counted in this case.

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

08.05.2026

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**(RAJESH BHARDWAJ)
JUDGE**

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