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**234 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****CRM-M-25759-2026**

Date of Decision: 12.05.2026

Mohit

..... Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Amit Khari, 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.573, dated 14.09.2024, under Sections 20 and 29 of NDPS Act, registered at Police Station Samalkha, District Panipat.

2. Succinctly, the facts of the case are that the police party while on patrolling on 14.09.2024, received a secret information to the effect that Shubh Narain and Mohit (petitioner) were going to Samalkha from the side of village Raxaheda in their car make Maruti Ertiga bearing registration No.HR-42G-0465. It was informed that they were carrying narcotics substance in the car and in case of barricading, they could be apprehended along with the contraband. On receiving the secret information, the barricading was laid at the place as disclosed in the secret information. The car, as disclosed in the secret information, was seen coming. However, on suspicion, the same was stopped. The driver of the car, disclosed his name to be Mohit (petitioner) and the person sitting on the conductor seat disclosed his name to be Shubh Narain. They were suspected to be carrying some contraband in the car and thus, search of the car was conducted. On conducting the search of the car, one transparent polythene from the back side of the conductor seat was recovered. On conducting the search of the



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polythene bag, 1 Kg 930 grams of Charas was recovered. They failed to produce any licence regarding the conscious possession of the same and 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 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, Panipat praying for the grant of regular bail. However, after hearing both the sides and finding no merit in the same, learned Court declined the bail application filed by the petitioner vide order dated 25.03.2025. Earlier the petitioner approached this Court by way of filing CRM-M-21060-2025 and CRM-M-58120-2025, however, the same were dismissed as withdrawn by this Court vide order dated 29.07.2025 and 30.01.2026. Hence being aggrieved, the petitioner is before this Court praying for the grant of regular bail by way of filing the present third 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, Shubh Narain. He has drawn the attention of this Court to the order dated 29.04.2026 passed in **CRM-M-15083-2026** and other connected cases, whereby, co-accused Shubh Narain, has 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 has 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, Shubh Narain. She 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 14.09.2024. Co-accused, namely, Shubh Narain is 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 01 year, 07 months & 27 days as on 11.05.2026. It further reflects that the petitioner has no criminal antecedents.

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.

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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.’

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.

12.05.2026

sharmila

Whether Speaking/Reasoned :
Whether Reportable :

(RAJESH BHARDWAJ)
JUDGE

Yes/No
Yes/No