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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.27451 of 2025

Narender Rana @ Narender

..... Petitioner

Versus

State of Haryana

..... Respondent

CRM-M No.27527 of 2025

Kuldeep Singh

..... Petitioner

versus

State of Haryana

..... Respondent

Date of Decision: 11.03.2026

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Sandeep Saini, Advocate
for the petitioner in CRM-M No.27451 of 2025.

Mr. Saransh Sabharwal, Advocate
for the petitioner in CRM-M No.27527 of 2025.

Mr. Sumit Jain, Addl. A.G., Haryana.

Rajesh Bhardwaj, J. (ORAL)

1. By this order, I dispose of the above mentioned two petitions arising out of the same FIR.
2. Both the petitions have been filed praying for the grant of regular bail to the petitioners in case bearing FIR No.320, dated 26.09.2024, under Sections 22(c) and 29 of NDPS Act, 1985, registered at Police Station



Bilaspur, District Yamuna Nagar.

3. Succinctly, the facts of the case are that the police party, while on patrolling on 26.09.2024, received a secret information to the effect that Kuldeep Singh (petitioner in CRM-M-27527-2025), who works as compounder in doctor's clinic, was involved in selling of narcotics capsules. It was informed that he was coming on foot from the doctor's clinic at Alisherpur Mazra towards Main Moongalwali Bus stand to sell the narcotics capsules and in case of barricading, he 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. In the meantime, a person was seen coming on foot from the village Alisher Mazra, however, on suspicion, he was apprehended. On asking, he disclosed his name to be Kuldeep Singh. He was suspected to be carrying some contraband and thus, his search was conducted. On conducting the search of Kuldeep Singh, total 480 capsules containing Tramadol were recovered from him. He failed to produce any license regarding the conscious possession of the same, thus, the FIR was registered and he was arrested on the spot. On registration of the FIR, the investigation commenced. During the investigation, he made disclosure statement about the complicity of co-accused, i.e., Narender Rana @ Narender (petitioner in CRM-M-27451-2025) and, thus, he was arrayed as an accused in the present case. Resultantly, Narender Rana @ Narender was arrested on 27.09.2024. On completion of the investigation, the challan was presented and on framing of charges, the trial commenced. The petitioners approached the Court of learned Additional Sessions Judge, Yamuna Nagar praying for the grant of



bail. However, after hearing both the sides and finding no merit in the same, the learned Additional Sessions Judge, Yamuna Nagar declined the bail applications filed by both the petitioners vide separate orders dated 19.12.2024 and 17.01.2025, respectively. Being aggrieved, the petitioner, namely, Narender Rana @ Narender earlier approached this Court twice praying for the grant of regular bail by way of filing CRM-M-877-2025 and CRM-M-17497-2025, however the same were dismissed vide orders dated 16.01.2025 and 04.04.2025. Hence being aggrieved, the petitioners are before this Court by way of filing the present petitions praying for the grant of regular bail.

4. Learned counsel for the petitioner (in CRM-M-27527-2025) has submitted that the petitioner, namely, Kuldeep Singh, has been falsely implicated in the present case. He has submitted that the case is admittedly based on the secret information, but there is a violation of mandatory provisions of Section 42 of NDPS Act. He has submitted that the alleged recovery has been effected from the public place, however, no independent witness was joined. He has submitted that there is a violation of mandatory provisions of Section 50 of NDPS Act in conducting the search. He has submitted that the alleged recovery of 480 capsules containing Tramadol from the petitioner is a planted recovery. To buttress his arguments, learned counsel for the petitioner has submitted that the petitioner has no criminal antecedents as he has never been involved in any other case.

5. Learned counsel for the petitioner (in CRM-M-27451-2025) has submitted that the petitioner, namely, Narender Rana @ Narender was neither named in the secret information nor any recovery has been effected



from him, however, he has been implicated in the present case on the basis of disclosure statement of co-accused, which is not even an admissible evidence. He has submitted that the petitioner is not involved in any other case of the similar nature.

6. Learned counsel for the petitioners have submitted that even otherwise the weight of contraband recovered is 293.7 grams of Tramadol whereas the quantity above 250 grams is commercial in nature. They have submitted that the petitioners are behind bars from last more than 01 year, however, there is no material progress in the trial. They have submitted that in the facts and circumstances, the petitioners deserve to be granted regular bail.

7. Separate replies dated 04.07.2025 in both the petitions by way of an affidavit of Harvinder Singh, HPS, Deputy Superintendent of Police, Bilaspur, District Yamuna Nagar on behalf of the respondent-State have already been filed by the learned State counsel in the Court, which are taken on record.

8. *Per contra*, learned State counsel has vehemently opposed the submissions made by counsel for the petitioners. He has submitted that the petitioner, namely, Kuldeep Singh was specifically named in the secret information and he was arrested on the spot. He has submitted that from his personal search, 480 capsules containing Tramadol were recovered. He has submitted that during the investigation, complicity of the petitioner, namely, Narender Rana @ Narender has surfaced as he was the supplier of the contraband. He has submitted that the contraband recovered in the present case is 293.7 grams of Tramadol, which is commercial in nature and thus, the provisions of Section 37 of NDPS Act are attracted. He, on instructions,



has submitted that out of total 22 prosecution witnesses, only 01 witness has been examined till date. He has produced custody certificates of both the petitioners today in the Court, which are taken on record.

9. This Court has heard learned counsel for the parties and perused the record with their able assistance.

10. After hearing counsel for the parties and perusing the record, it is deciphered that the secret information was qua the petitioner, namely, Kuldeep Singh and the other co-accused, i.e. petitioner, namely, Narender Rana @ Narender has been arrayed as an accused in the present case on the basis of disclosure statement. It has been contended before this Court by learned counsel for the petitioners that there is a violation of mandatory provisions of Sections 42 & 50 of NDPS Act. The recovery has been effected from the public place, however, no independent witness has been joined. The petitioners are behind bars since the date of their arrest. Custody certificates produced would show that the petitioner, namely, Narender Rana @ Narender has suffered incarceration of 01 year, 02 months and 13 days, whereas the petitioner, namely, Kuldeep Singh has suffered an incarceration of 01 year, 05 months and 14 days as on 10.03.2026. It further reflects that the petitioner, namely, Narender Rana @ Narender is involved in 03 other cases, out of which in one case, he has undergone the sentence but he has not paid the compensation of Rs.12,000/- and in other 02 cases, he is on bail, whereas, the petitioner, namely, Kuldeep Singh is involved in 01 other case, however, he is on bail in that case. Out of total 22 prosecution witnesses, only 01 witness has been examined so far.

11. 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.”

12. 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 counsels for the petitioners succeed in making out a case for grant of regular bail to the petitioners.

13. Accordingly, both the petitions are allowed and all 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.

14. Nothing said herein shall be treated as an expression of opinion on the merits of the cases.

11.03.2026

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(RAJESH BHARDWAJ)
JUDGE

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