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

CRM-M-36131-2025

Date of decision : 26.02.2026

Parhlad Sharma**.....Petitioner****versus****State of Haryana****..... Respondent****CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ**

Present :- Mr. P.S. Sekhon, Senior Advocate with
Ms. Shefali, Advocate
for the petitioner.

Mr. Tanuj Sharma, AAG, Haryana.

RAJESH BHARDWAJ, J. (Oral)

1. Petitioner has approached this Court by way of filing the present petition praying for grant of regular bail to him in case FIR No.80 dated 01.06.2018, under Sections 15-C, 27-A and 29 of the NDPS Act, 1985, registered at Police Station Nathu Sarai Chopta, District Sirsa.

2. Succinctly facts of the case are that the police party was present at Kheri Minor at the revenue limits of Kagdana for the purpose of barricading on 01.06.2018 then they received a secret information to the effect that one Truck mark TATA-1109 bearing No.RJ-49-GA-1070, loaded with onions and heavy quantity of poppy husk was coming from Bhadra to Kagdana and if stopped and searched, heavy quantity of poppy husk could be recovered from the same. The truck as disclosed in secret information was seen coming. The same was stopped and on asking, the driver of the truck disclosed his name as Sunil whereas, the person sitting on conductor side, disclosed his name as Vinod. On conducting the search of the truck, total 525 kgs of poppy husk was recovered. They failed to produce any



licence regarding possession of the same. Hence, they were arrested on the spot and on registration of the FIR, the investigation commenced. During investigation, they made a disclosure statement about the complicity of the present petitioner wherein, it was alleged that the contraband recovered from them was supplied by the petitioner (Parhlad Sharma). Thus, he was also arrayed as accused. However, he has been arrested on production warrant on 07.06.2024. On completion of the investigation, challan was filed and on framing of charges, trial commenced. Petitioner approached the Court of learned Additional Sessions Judge (FTSC/NDPS), Sirsa, however, after hearing counsel for the parties and finding no merits, the same was declined vide order dated 05.09.2024. He earlier approached this Court by way of filing CRM-M-51745-2024 however, the same was dismissed as not pressed vide order dated 03.04.2025. Hence, petitioner is before this Court by way of filing the present second petition.

3. Learned counsel for the petitioner has contended that the petitioner has been falsely implicated in the present case. He submits that neither the petitioner was present at the time of occurrence nor any recovery has been effected from him. He further submits that the secret information was about the truck and two co-accused namely, Sunil and Vinod were arrested on the spot. He submits that the complicity of the petitioner has been found to have been surfaced on the basis of disclosure statement of co-accused, which is not even an admissible evidence. To buttress his arguments, it has been submitted that the alleged recovery in the present case was made on 01.06.2018 whereas, the petitioner has been arrested in the present case on 07.06.2024 i.e. after about 06 years and during this period, petitioner was not even aware about the fact that he has been nominated in the present case. He submits that the conduct of the



investigating agencies in itself shows that petitioner has been arrayed as accused in a due deliberated manner. He submits that though the petitioner is involved in other cases however, presently, he is behind the bars only in one case and in rest of the cases, he is on bail. He thus, prays for grant of regular bail to the petitioner.

4. Status report by way of an affidavit of Mr. Raj Singh, HPS, Deputy Superintendent of Police, Law and Order Sirsa, District Sirsa, filed by learned State counsel is already on record.

5. Learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner. He submits that the complicity of the petitioner surfaced during the investigation of co-accused namely, Sunil and Vinod who were arrested on the spot with the truck from which 525 kgs of poppy husk was recovered, which is commercial in nature and thus, provisions of Section 37 of the NDPS Act are attracted in this case. He submits that after having been granted bail, co-accused Sunil has been declared as Proclaimed Offender whereas, Vinod was expired. He further submits that though the complicity of the petitioner surfaced during investigation however, his custody has been taken in the present case after 06 years i.e. 07.06.2024. He on instructions has submitted that out of 20 prosecution witnesses, none has been examined till date. He has placed on record the custody certificate of the petitioner.

6. After hearing counsel for the parties and perusing the record, it is deciphered that the petitioner in the present case has been arrayed as accused on the basis of disclosure statement of co-accused namely, Sunil and Vinod. The alleged recovery in this case is of 525 kgs of poppy husk which was effected on 01.06.2018. Petitioner has been arrested on



production warrant on 07.06.2024. There is nothing on record to show that during this period, proceedings of proclaimed offender etc. were initiated against the petitioner. Custody certificate filed by the State shows that the petitioner has undergone incarceration of 01 year, 08 months and 15 days as on 24.02.2026. It further reflects that though there are other 05 cases against the petitioner however, he is on bail in 04 cases and in 01 case, he is not 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 the opinion that the case of the petitioner is covered by the ratio 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.’

8. The veracity of the allegations would be assessed only after conclusion of the trial and on the appreciation of evidence to be led by both the parties before the trial Court. The trial of the case will take sufficiently long time. Thus, keeping in view the overall facts and circumstances of the case, 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 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. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

9. 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 the present case.

26.02.2026
m.sharma

(RAJESH BHARDWAJ)
JUDGE

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