



125 (2 cases)

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

1. CRM-M-40734-2025

MonuPetitioner

versus

State of Haryana Respondent

2. CRM-M-57009-2025

HimanshuPetitioner

versus

State of Haryana Respondent

Date of decision : 16.03.2026

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Parminder Singh Sekho, Senior Advocate with
Ms. Sweedel Goyal, Advocate
for the petitioner in CRM-M-40734-2025.

Mr. Aditya Sanghi, Advocate and
Mr. Pradeep Bhardwaj, Advocate
for the petitioner in CRM-M-57009-2025.

Mr. Tanuj Sharma, A.A.G., Haryana.

RAJESH BHARDWAJ, J. (Oral)

1. By way of this common order, this Court intend to dispose of
abovesaid two petitions as they have arisen out of the same FIR.

2. Petitioners have approached this Court by way of present
petitions praying for granting them regular bail in case FIR No.667 dated
19.09.2024, under Sections 22-C and 29 of Narcotic Drugs and
Psychotropic Substances Act, 1985, registered at Police Station Barwala,
District Hisar.



3. Succinctly, the facts of the present case are that the police party, while on patrolling on 19.09.2024, received a secret information to the effect that Mandeep would transport a large quantity of narcotic tablets from Hansi to Barwala and in case barricading is laid, he could be apprehended along with contraband. On receiving the information, the barricading was laid. A motorcycle was seen coming, on which 02 persons were riding and the same was stopped. On asking, rider of the motorcycle disclosed his name to be Sumit and the person sitting pillion disclosed his name to be Mandeep, who was holding a cardboard box in his hands. They were suspected to be carrying some contraband, thus, on giving the offer, search was conducted. On conducting search, 4800 tablets of Tramadol Hydrochloride Sustained Release were recovered from the box. they were carrying. They failed to produce any licence regarding possession of the same and hence, the FIR was registered and they were arrested on spot. The investigation commenced. During investigation, complicity of the petitioners surfaced in the present case on the basis of disclosure statement made by co-accused, thus, petitioners was arrested on 13.11.2024 and 11.11.2024, respectively. The samples taken were sent to the FSL. On receipt of FSL report, challan was presented and on framing of charges, the trial commenced. Petitioners approached Learned Additional Sessions Judge, Hisar praying for grant of bail, however, finding no merit, their applications were declined after hearing both the sides by Learned trial Courts vide orders dated 19.03.2025 and 02.01.2025, respectively. Aggrieved by the same, petitioner-Monu approached this Court twice by way of filing of CRM-M-3026-2025 and CRM-M-17420-2025, however, same were declined vide orders dated 24.01.2025 and 04.04.2025, respectively, hence, he is before this Court by



way of filing of present third petition and Petitioner-Himanshu, approached this Court earlier by way of filing of CRM-M-19071-2025, however, the same was dismissed as not pressed vide order dated 22.04.2025, hence, he is before this Court by way of present second petition, praying for grant of bail.

4. Learned Senior counsel for petitioner-Monu as well as counsel for petitioner-Himanshu, have contended that the petitioners have been falsely implicated in the present case only on the basis of disclosure statement of co-accused. It is submitted that neither the petitioners have been named in the secret information nor any recovery has been made from them. It is contended that the alleged recovery of 4800 tablets of contraband was recovered from co-accused, namely, Mandeep and Sumit on 19.09.2024. It is submitted that on the disclosure statement of co-accused, namely, Mandeep, petitioner-Himanshu was arrayed as an accused and thereafter, on the disclosure statement of Himanshu, petitioner-Monu was also arrayed as an accused in the present case. It is submitted that the disclosure statement in itself is not an admissible evidence. It is submitted that the petitioners are behind bars since the date of their arrest, however, there is no material progress in the trial. It is thus, submitted that in the facts and circumstances of the case, petitioners deserve the concession of bail.

5. Learned State counsel has opposed the submissions made by the counsel for the petitioners and submits that recovery of 4800 narcotic tablets weighing 1.492 kgs of Tramadol Hydrochloride was effected from co-accused, namely, Sumit who was driving the motorcycle and Mandeep, who was riding pillion and holding the box. He submits that both were arrested on the spot. He submits that during investigation, complicity of



petitioner-Himanshu, who was found to be one of the supplier was surfaced, who further disclosed about petitioner-Monu. He submits that the alleged recovery effected in the present case falls under the category of commercial quantity and thus, provisions of Section 37 of NDPS Act, are attracted. He, on instructions, has submitted that out of total 28 prosecution witnesses, none has been examined. He has produced the custody certificates of the petitioners on record.

6. On hearing counsel for the parties and perusing the record, it is deciphered that the recovery in the present case has been effected from co-accused, Mandeep and Sumit and both were arrested on spot. The present petitioners were arrayed as accused on the basis of disclosure statement. The recovery effected in the present case i.e. 1.492 kgs of Tramadol Hydrochloride falls under the category of commercial quantity. As per custody certificate, petitioners have suffered incarceration of more than 01 year. It further reflects that petitioner-Monu has no criminal antecedents and though petitioner-Himanshu is involved in one more case, however, he is on bail in the said case. As submitted before this Court, out of total 28 witnesses, none has been examined.

7. In view of the facts and circumstances of the present case, this Court cannot ignore the fact that the speedy trial is the fundamental right of every accused. 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.*

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. Thus, keeping in view the overall facts and circumstances of the case, this Court is of the opinion that learned counsel for the petitioners succeed in making out a case for grant of regular bail. Accordingly, both the petitions are allowed. Petitioners are ordered to be released on bail on their 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.

16.03.2026
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(**RAJESH BHARDWAJ**)
JUDGE

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