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

CRM-M-41979-2025 (O&M)

Date of decision : 20.03.2026

Parul Kalra**....Petitioner**

versus

State of Haryana**.....Respondent****CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ**

Present :- Mr. Navmohit Singh, Advocate
for the petitioner.

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

RAJESH BHARDWAJ, J. (Oral)**CRM-30175-2025**

Allowed as prayed for.

Main case

1. Present second petition has been filed for grant of regular bail in case FIR No.78 dated 09.04.2021, under Sections 22C/29 of Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Guhla, District Kaithal.

2. Succinctly the facts of the case are that the Police party while on patrolling on 09.04.2021, received a secret information to the effect that Sanjeev Kumar @ Sanju is involved in selling of of narcotic tablets at the back of his medical shop. It was informed that he would come to bus Stand Agondh, for selling the same to drug addicts and if the raid is conducted, he could be arrested along with the contraband. On receiving the information, the police reached the place as disclosed in the secret information. A person resembling in the secret information was seen

coming there, having a polythene bag with him. On asking, he disclosed



his name to be Sanjeev Kumar @ Sanju. He was suspected to be carrying some contraband in the bag, hence, the same was searched. On conducting the search of the bag, 1020 tablets containing Tramadol Hydrochloride, were recovered from the same. He failed to produce any license regarding possession of the same and hence, the FIR was registered and he was arrested on spot. The investigation commenced. During investigation, complicity of the petitioner surfaced and thus, she was arrayed as an accused in the present case. Resultantly, the petitioner was arrested on 24.01.2025. The samples taken were sent to the FSL. On receipt of FSL report, challan was presented and on framing of charges, trial commenced. The petitioner approached the Court of Learned Judge, Special Court (NDPS Act), Kaithal praying for grant of bail, however, finding no merit, the same was declined after hearing both the sides by Learned trial Court vide order dated 24.02.2025. Aggrieved by the same, the petitioner earlier approached this Court by way of filing of CRM-M-14730-2025, however, the same was dismissed as not pressed on 28.04.2025. Hence, the petitioner is before this Court by way of filing of present second petition for grant of bail.

3. Learned counsel for the petitioner has contended that the petitioner has been falsely implicated in the present case. He submits that the present case is based on the secret information, however, there is violation of provisions of Section 42 of NDPS Act. He submits that the alleged recovery of 1020 tablets of Tramadol Hydrochloride weighing 408 grams was effected from co-accused, Sanjeev Kumar @ Sanju, who has already been granted bail by learned trial Court. He submits that on the basis of disclosure statement of co-accused, the petitioner has been arrayed as an accused in the present case. He submits that even otherwise,



the disclosure statement in itself is not an admissible evidence. He submits that the petitioner is behind bars from last more than 1 year, however, there is no material progress in the trial. It is further contended that though petitioner is involved in one more case, however, she is on bail in the said case as in that case also the petitioner was arrayed on the basis of disclosure statement. He thus, submits that in the facts and circumstances of the case, the petitioner deserves to be granted bail.

4. Per contra, learned State counsel has opposed the submissions made by the counsel for the petitioner and submits that the recovery effected from the co-accused is of 408 grams of Tramadol Hydrochloride, which falls under the commercial quantity and thus, provisions of Section 37 of NDPS Act, are attracted in the present case. He submits that complicity of the petitioner though surfaced on the inception of the FIR, during investigation, but the petitioner could not be arrested initially and was arrested on 24.01.2025. He, on instructions, has submitted that out of total 17 prosecution witnesses, only 05 witnesses have been examined so far. He has produced the custody certificate of the petitioner on record.

5. After hearing counsel for the parties and perusing the record, it is deciphered that recovery of the alleged contraband has been effected from co-accused, Sanjeev Kumar @ Sanju, who has already been granted bail by the trial Court. Petitioner has been arrayed in the present case on the basis of disclosure statement of the co-accused. The alleged recovery of 408 grams of Tramadol Hydrochloride, admittedly falls under the category of commercial quantity. As per custody certificate, the petitioner has suffered an incarceration of 01 year, 01 month and 25 days as on 19.03.2026. It further reflects that the petitioner is involved in one more



case, however, she is on bail in that case. As submitted before this Court, out of total 17 prosecution witnesses, only 05 witnesses have been examined so far.

6. 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.

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:-

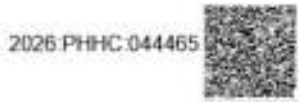
19. A plain and literal interpretation of the conditions under Section 37 (i.e., that Court should be satisfied that the accused is not guilty and would not commit any offence) would effectively exclude grant of bail altogether, resulting in punitive detention and unsanctioned preventive detention as 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 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 to the petitioner.

9. Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on her 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.

20.03.2026
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(RAJESH BHARDWAJ)
JUDGE

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