

CRM-M-43089-2025;
CRM-M-5733-2026
CRM-M-11799-2026

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2026-PHHC-030381



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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.43089 of 2025

Gautam @ Gotam Petitioner

Versus

State of Haryana Respondent

CRM-M No.5733 of 2026

Pardeep @ Lala Petitioner

versus

State of Haryana Respondent

CRM-M No.11799 of 2026

Anil @ Kalua Petitioner

versus

State of Haryana Respondent

Date of Decision: 10.03.2026

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Balvinder Sangwan, Advocate;
Mr. Krishna Maurya, Advocate and
Mr. Savreet Singh Brar, Advocate
for the petitioner in CRM-M No.43089 of 2025.

Mr. Harshit Jangra, Legal Aid Counsel
for the petitioner in CRM-M No.5733 of 2026.

Mr. Ravi Kant Berwal, Advocate and
Mr. Baljeet Beniwal, Advocate
for the petitioner in CRM-M No.11799 of 2026.

Mr. Tanuj Sharma, AAG, Haryana.



Rajesh Bhardwaj, J. (ORAL)

1. By this order, I dispose of the above mentioned three petitions arising out of the same FIR.
2. All the petitions have been filed praying for the grant of regular bail to the petitioners in case bearing FIR No.89, dated 20.02.2024, under Sections 22(b) & 22(c), 29/61/85 NDPS Act, 1985, registered at Police Station City Palwal, District Palwal, Haryana.
3. Succinctly, the facts of the case are that the police party, while on patrolling on 20.02.2024, received a secret information to the effect that Anil @ Kalua (petitioner in CRM-M-11799-2026) and Pardeep @ Lala (petitioner in CRM-M-5733-2026) were involved in selling of intoxicant injections. It was informed that they were selling the same on the street near the house of Anil @ Kalua and in case of raid, they 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, where they saw two persons standing and out of which, one was holding a cloth bag. However, on suspicion, both were apprehended by the police party. On asking, they disclosed their names to be Anil @ Kalua (petitioner in CRM-M-11799-2026) and Pardeep @ Lala (petitioner in CRM-M-5733-2026). They were suspected to be carrying some contraband and, thus, their search was conducted. On conducting the personal search of Pardeep @ Lala, 12 injections containing Buprenorphine were recovered from the right pocket of his trouser whereas from the cloth bag being carried by Anil @ Kalua, 13 injections of Buprenorphine and 50 injections of Diazepam were recovered. They failed to produce any license regarding the



conscious possession of the same, thus, the FIR was registered and both were arrested on the spot. On registration of the FIR, the investigation commenced. During the investigation, they made disclosure statement about the complicity of co-accused, namely, Gautam @ Gotam (petitioner in CRM-M-43089-2025) to be the supplier of the injections and thus, he was arrayed as an accused in the present case. Resultantly, Gautam @ Gotam was arrested on 02.09.2024. 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 District & Sessions Judge, Palwal praying for the grant of bail. However, after hearing both the sides and finding no merit in the same, the learned Additional District & Sessions Judge, Palwal declined the bail applications filed by all the petitioners vide separate orders dated 04.01.2025, 30.09.2024 and 27.01.2026, respectively. Being aggrieved, the petitioners, namely, Gautam @ Gotam and Pardeep @ Lala earlier approached this Court praying for the grant of regular bail by way of filing CRM-M-3644-2025 and CRM-M-1081-2025, however the same were disposed off vide separate orders dated 10.03.2025. 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 counsels for the petitioners have contended that the petitioners, namely, Anil @ Kalua and Pardeep @ Lala have been falsely implicated in the present case. They have submitted that the present case is admittedly based on the secret information, but there is a violation of mandatory provisions of Section 42 of NDPS Act. They have submitted that the alleged recovery is effected from the public place, however, no



independent witness was joined. They have submitted that there is a violation of mandatory provisions of Section 50 of NDPS Act in conducting the search. They have submitted that the alleged recovery from the petitioner, namely, Anil @ Kalua is 13 injections of Buprenorphine and 50 injections of Diazepam whereas from the petitioner, namely, Pardeep @ Lala, 12 injections of Buprenorphine were effected and the alleged recoveries are made from them individually, which is marginally above the commercial quantity.

5. Learned counsel for the petitioner (in CRM-M-43089-2025) has submitted that the petitioner, namely, Gautam @ Gotam 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.

6. Learned counsel for the petitioners have submitted that though the petitioners were involved in other cases, however, they are on bail in all those cases. They have submitted that the petitioners, namely, Anil @ Kalua and Pardeep @ Lala are behind bars from last more than 02 years, whereas the petitioner, namely, Gautam @ Gotam is behind bars from last more than 1½ years, however, there is no material progress in the trial and thus, their right of speedy trial is miserably defeated. They have submitted that in the facts and circumstances, the petitioners deserve to be granted regular bail.

7. *Per contra*, learned State counsel has vehemently opposed the submissions made by counsel for the petitioners. He has submitted that the petitioners, namely, Anil @ Kalua and Pardeep @ Lala were specifically



named in the secret information and both were arrested on the spot along with the contraband. He has submitted that the quantity recovered from the personal search of petitioner, namely, Pardeep @ Lala is 12 injections of Buprenorphine, whereas from the personal search as well as from the bag being carried by the petitioner, namely, Anil @ Kalua is 13 injections of Buprenorphine and 50 injections of Diazepam, which is total 25 injections of Buprenorphine and 50 injections of Diazepam and the same is commercial in nature and thus, the provisions of Section 37 of NDPS Act are attracted. He has submitted that the petitioners are habitual offenders as they are involved in multiple other cases as well. He, on instructions, has submitted that out of total 23 prosecution witnesses, only 03 witnesses have been examined till date. He has produced custody certificates of all the petitioners today in the Court, which are taken on record.

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

9. After hearing counsel for the parties and perusing the record, it is deciphered that the secret information was qua 02 of the petitioners, namely, Anil @ Kalua and Pardeep @ Lala and the other co-accused, i.e. petitioner, namely, Gautam @ Gotam has been arrayed as an accused in the present case on the basis of disclosure statement. As submitted before this Court, the recovery of contraband effected from the petitioners, namely, Anil @ Kalua and Pardeep @ Lala from the public place is marginally above the commercial quantity as the same has been effected independently. As submitted before this Court by learned counsels for the petitioners that there is a violation of mandatory provisions of Sections 42 & 50 of NDPS Act.



The petitioners are behind bars since the date of their arrest. Custody certificates produced would show that the petitioner, namely, Gautam @ Gotam has suffered incarceration of 01 year, 06 months and 08 days as on 09.03.2026, whereas the petitioners, namely, Anil @ Kalua and Padeep @ Lala have suffered an incarceration of 02 years and 21 days as on 10.03.2026. It further reflects that the petitioner, namely, Gautam @ Gotam is involved in 07 other cases, however, he is on bail in 06 cases, whereas, the petitioner, namely, Pardeep @ Lala is involved in 05 other cases, however, in 02 of the cases, he is on bail and in 03 of the cases, he has undergone the sentence and the petitioner, namely, Anil @ Kalua is involved in 04 other cases, however, in 02 of the cases, he is on bail and in 01 case, he has undergone the sentence. Out of total 23 prosecution witnesses, only 03 witnesses have been examined so far. Needless to say that every accused has the fundamental right of speedy trial.

10. 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.”*

11. 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.

12. Accordingly, all 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. However, if the petitioners, namely, Gautam @ Gotam and Anil @ Kalua do not furnish the bail bonds within seven days from today, then their further custody period after one week will not be counted in this case.

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

10.03.2026

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(RAJESH BHARDWAJ)
JUDGE

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