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

CRM-M-45005-2025

Date of decision :16.03.2026

**Sonu @ Dhoni @ Sonu Soni****....Petitioner****versus****State of Haryana****..... Respondent****CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ**

Present :- Mr. L.S. Sekhon, Advocate & Ms. Sweedel Goyal, Advocate  
for the petitioner.

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

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**RAJESH BHARDWAJ, J. (Oral)**

1. Present third petition has been filed for grant of regular bail in case FIR No.376 dated 25.04.2023 under Sections 21-C of NDPS Act, registered at Police Station Sadar, District Hisar.
2. Succinctly the facts of the case are that the Police party while on patrolling on 25.04.2023 received a secret information to the effect that Mirgank Soni @ Mirgank @ Kaku, Sonu @ Dhoni (Present petitioner) and Irshad were involved in selling of intoxicating substances. It was informed that they would come to Hisar in their vehicle from Delhi and if barricading is laid, they could be apprehended along with the contraband. On receiving the information, a raiding team was constituted and the barricading was laid at the place as disclosed by the informer. As informed, a car was seen coming, however, on signal to stop the vehicle, they tried to escape, but were apprehended by the police party. On asking,



driver of the car disclosed his name to be Mirgank Soni @ Mirgank @ Kaku, person sitting on the conductor seat disclosed his name to be Sonu @ Dhoni and the person sitting on the back seat disclosed his name to be Irshad. They were suspected to be carrying some contraband and on conducting the search, 510 grams of heroin was recovered. They failed to produce any licence regarding the conscious possession of the same and thus, FIR was registered and they were arrested on the spot. On registration of FIR, the investigation commenced. On completion of investigation, challan was presented, charges were framed and learned trial Court commenced the trial. The petitioner approached Learned Additional Sessions Judge, Fast Track Special Court, NDPS Act, Hisar praying for grant of bail, however, finding no merit, the same was declined after hearing both the sides by the trial Court vide order dated 07.08.2025. Aggrieved by the same, the petitioner approached twice this Court by way of filing of CRM-M-59634-2023 and CRM-M-11435-2025, however, same were declined by this Court vide orders dated 16.12.2023 and 01.07.2025, respectively. Hence, the petitioner is before this Court by way of filing of present third petition for grant of bail.

3. Learned counsel for the petitioner, at the outset, prays for the grant of bail on the basis of parity with that of the co-accused. He has drawn the attention of this Court to the order dated 03.02.2026, passed by this Court in **CRM-M-51307-2025**, whereby co-accused of the petitioner, namely, Mirgank Soni @ Mirgank @ Kaku, has been granted the concession of bail. He submits that on the basis of the parity, petitioner deserves to be granted bail as case of the petitioner is at par with that of the co-accused, who has already been granted bail.



submissions made by the counsel for the petitioner. However, he endorsed the fact that case of the petitioner is at parity with that of co-accused, namely, Mirgank Soni @ Mirgank @ Kaku, who has been granted bail by this Court. He has submitted that the recovery effected in the present case is 510 grams of heroin, which is a commercial quantity and thus, provisions of Section 37 of NDPS Act, are attracted in the present case. He has placed on record the custody certificate of the petitioner.

5. On hearing counsel for the parties and perusing the record, it is deciphered that the present FIR has been registered on the basis of secret information. Admittedly, co-accused of the petitioner, namely, Mirgank Soni @ Mirgank @ Kaku, has already been granted bail by this Court vide order dated 03.02.2026 passed by this Court in **CRM-M-51307-2025**. As per custody certificate, the petitioner has suffered an incarceration of 02 years, 10 months and 20 days as on 15.03.2026. It further reflects that the petitioner is involved in 02 more cases, however, he is on bail in those cases. Needless to say that speedy trial is the fundamental right of every accused.

6. 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.

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”<sup>22</sup> (also see Donald Clemmer’s ‘The Prison Community’ published in 1940<sup>23</sup>). 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 Hon’ble Supreme Court in Ashim @ Asim Kumar



**Kumar Bhattacharya Vs. National Investigation Agency, 2022(1) SCC**

**695** has held as under:

*“Deprivation of personal liberty without ensuring speedy trial is not consistent with Article 21 of the Constitution of India. While deprivation of personal liberty for some period may not be avoidable, period of deprivation pending trial/appeal cannot be unduly long. At the same time, timely delivery of justice is part of human rights and denial of speedy justice is a threat to public confidence in the administration of justice.”*

9. The Hon’ble Supreme Court in a recent decision dated 03.07.2024 in ‘**Javed Gulam Nabi Shaikh Vs. State of Maharashtra, Criminal Appeal No. 2787 of 2024**’, has held that howsoever serious a crime may be, an accused has the right to speedy trial under the Constitution of India.

10. This Court would refrain itself from commenting anything on the merits of the case. The trial of the case will take sufficient long time. Thus, keeping in view the arguments raised by both the sides, 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 on the basis of parity.

11. 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.

**16.03.2026**  
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**( RAJESH BHARDWAJ )**  
**JUDGE**

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