

CRM-M-54494-2025
CRM-M-66987-2025
226+229 (2 cases)

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2026 PHHC 023465



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

1. CRM-M-54494-2025
Inderpal SinghPetitioner

versus

State of Haryana Respondent

2. CRM-M-66987-2025
Udai Lal DangiPetitioner

versus

State of Haryana Respondent
Date of decision :16.02.2026

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. P.S. Hundal, Senior Advocate with
Mr. Vikramjeet Singh, Advocate
Ms. Arshpreet Kaur, Advocate
for the petitioner in CRM-M-54494-2025.

Mr. Amandeep Bidhan, Advocate and
Mr. Parvinder Moar, Advocate
for the petitioner in CRM-M-66987-2025.

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.0171 dated 12.09.2024, under Sections 15-C/61/85 of Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Odhan, District Dabwali.
3. Succinctly, the facts of the present case are that the police party, while on patrolling on 12.09.2024, received a secret information to the effect that Inderpal S/o Khetaram (petitioner in CRM-M-54494-2025) along with Kalu, is involved in smuggling of poppy husk. It was informed



that Inderpal would come in car bearing No.HR-22R-1478 along with the contraband and in case the barricading is laid, he could be apprehended along with the contraband. On receiving the secret information, the police party laid the barricading at the place disclosed. A car, as informed, was seen coming. On seeing the police party, the driver of the car tried to reverse the car, however, he was apprehended by the police party. On asking, he disclosed his name to be Inderpal. He was suspected to be carrying some contraband, thus, the search was conducted. On conducting the search, from the *diggy* of the car, three bags were recovered containing poppy husk. On weighing the total weight of the recovered contraband, it was found to be 68 kgs 160 grams of poppy husk/*doda post*. He failed to produce any licence regarding possession of the same and hence, the FIR was registered and he was arrested on spot. The investigation commenced. During investigation, complicity of Udai lal Dangi (petitioner in CRM-M-66987-2025), surfaced and thus, he was arrayed as an accused in the present FIR. Resultantly, he was arrested on 26.05.2025. On completion of investigation, challan was presented and on framing of charges, the trial commenced. Petitioners approached Learned Additional Sessions Judge, FTSC/NDPS, Sirsa, 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 11.09.2025 and 16.10.2025, respectively. Aggrieved by the same, the petitioners are before this Court by way of filing of present petitions praying for grant of bail.

4. Learned Senior counsel for petitioner-Inderpal Singh has contended that the petitioner has been falsely implicated in the present FIR. It is submitted that the case of the prosecution is admittedly on the basis of secret information, however, there is violation of mandatory



provisions of Section 42 of the NDPS Act. It is submitted that the alleged recovery has been effected from a public place, however, no independent witness was joined by the investigating agencies. He has vehemently contended that the compliance of Section 50 of NDPS Act, was mandatory however, there is blatant violation of the same as well. It is submitted that the petitioner is involved in 05 other cases, however, he is on bail in those cases and those cases were also falsely planted upon the petitioner. He submits that the false implication is evident. Learned counsel for petitioner Udai Lal Dangi, has submitted that the petitioner has been falsely implicated in the present case only on the basis of disclosure statement of co-accused i.e. Inderpal Singh, from whom the contraband has been recovered. It is submitted that the disclosure statement in itself is not even an admissible evidence. It is thus, submitted that in the facts and circumstances of the case, petitioners deserve to be granted bail.

5. Learned State counsel has opposed the submissions made by the counsel for the petitioners and submits that petitioner-Inderpal Singh was specifically named in the secret information and was arrested on the spot. He submits that the car from which the recovery was effected belongs to petitioner-Inderpal Singh only. It is submitted that though petitioner-Udai Lal Dangi, was implicated in the present case on the basis of disclosure statement, however, recovery of Rs.10,000/- drug money and a mobile phone, were effected from him. It is submitted that the total alleged recovery effected in the present case is 68 Kgs and 160 grams of *Doda Chura Post*, which is a commercial quantity and thus, provisions of Section 37 of NDPS Act, are attracted. He, on instructions, has submitted that petitioner-Inderpal Singh is involved in 05 more cases, whereas petitioner-Udai Lal Dangi is involved in 10 other cases. He, on



instructions, has submitted that till date only challan has been presented and charges are yet to be framed. He has produced the custody certificate of petitioner-Inderpal Singh, on record.

6. On hearing counsel for the parties and perusing the record, it is deciphered that the FIR in the present case was lodged on the basis of secret information. The petitioners are behind bars since the date of their arrest. The alleged total recovery effected in the present case is 68 kgs and 160 grams of poppy husk, whereas the quantity above 50 kgs is commercial in nature. As per custody certificate, petitioner-Inderpal Singh has suffered incarceration of 01 year, 05 months and 03 day as on 16.02.2026. It further reflects that though petitioner is involved in 05 more cases, however, he is on bail in those cases. As submitted before this Court, till date only challan has been presented and charges are yet to be framed. Needless to say that speedy trial is the fundamental right of every accused.

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

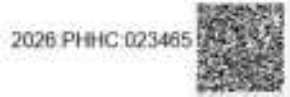
21.it would be important to reflect that laws which impose stringent conditions for grant of bail, may be necessary in public interest; yet, if trials are not concluded in time, the injustice wrecked on the individual is immeasurable.

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.

10. In case the bail bonds are not furnished by petitioner-Udai lal Dangi, during the period of 07 days from today, then his further custody period after one week will not be counted in the present case.

16.02.2026
ps-I

(RAJESH BHARDWAJ)
JUDGE

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