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

CRM-M-60202-2025

Date of decision: 22.01.2026

**NAVEEN KUMAR @ NAVEEN SABHARWAL
@ KAKA****...PETITIONER****VERSUS****STATE OF PUNJAB****...RESPONDENT****CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ**

Present: Mr. Ruhani Chadha, Advocate for the petitioner.

Mr. Raj Karan Singh, AAG, Punjab.

RAJESH BHARDWAJ, J. (ORAL)

1. Present second petition has been filed for grant of regular bail in case FIR No.92 dated 28.08.2024 under Sections 109, 132, 221, 3(5) of BNS and Section 25, 27 of Arms Act and Section 21, 29 of NDPS Act added later on, registered at Police Station Division No.4, District Jalandhar.

2. Succinctly the facts of the case are that the Police party while on patrolling on 28.08.2024 saw 04 persons were standing near park with their activa scooters. On suspicion, the police party tried to apprehend them, however, one of them started firing at the police party. Three of them managed to escape from the spot, while one was apprehended and he, on asking, disclosed his name as Naveen Kumar @ Kaka (present petitioner). Thus, the FIR was registered and he was arrested on spot. On registration of FIR, the investigation commenced. On completion of the investigation, challan was presented. On framing of charges, trial commenced. The petitioner approached the Learned Judge, Special Court, Jalandhar praying for grant of bail, however, finding no merit, the same was

declined after hearing both the sides by Learned Judge, Special Court, Jalandhar

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vide order dated 08.10.2025. 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 submits that there are 4 accused in the present case, out of these, 03 accused had allegedly fired on the police and managed to escape. However, the petitioner was arrested on the spot. He further submits that petitioner was implicated in the present case in a motivating manner by the police. The recovery of 01 kg of heroin was planted upon the petitioner. He further submits that the co-accused, namely, Anshu and Rahul Gill have been enlarged on bail by this Court vide orders dated 17.09.2025 and 29.09.2025 passed in CRM-M-51303-2025 and CRM-M-53930-2025. He further submits that petitioner has no criminal antecedents as he has never been involved in any other case of similar nature.

4. Per contra, learned State counsel has opposed the submissions made by the counsel for the petitioner and submits that the petitioner was arrested at the spot. He further submits that the alleged recovered contraband weighing 01 kg of heroin falls within the category of commercial quantity. Thus, the rigours of Section 37 of the NDPS Act are attracted in the present case. He has placed on record the custody certificate of the petitioner on record.

5. Heard.

6. On hearing learned counsel for the parties and perusing the record, it is deciphered that the petitioner was arrested at the spot but he did not fire at the police, rather, the allegation of firing upon the police party pertains to the co-accused. The co-accused, namely, Anshu and Rahul Gill have been enlarged on bail by this Court. As per custody certificate, the petitioner has suffered an incarceration of 01 year, 04 months and 21 days as on 21.01.2026.



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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



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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 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. Keeping in view, 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 petitioners. Accordingly, the present petitions are allowed. 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.

22.01.2026
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(RAJESH BHARDWAJ)
JUDGE

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