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

CRM-M-65745-2025

Date of decision: 13.01.2026

KAMAL NATH**...PETITIONER****VERSUS****STATE OF HARYANA****...RESPONDENTS****CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ**

Present: Mr. Gautam Kumar, Advocate for
Mr. Satnam Singh Gill, Advocate for the petitioner.

Ms. Diya Sodhi, Sr. DAG, Haryana.

RAJESH BHARDWAJ, J. (ORAL)

1. Petitioner has approached by way of filing the first petition praying for grant of regular bail in case FIR No.677 dated 05.11.2024 under Sections 22C and 25 of NDPS Act, 1985 (later on added Section 29 of NDPS Act, 1985), registered at Police Station Indri, District Karnal.

2. Succinctly, the facts of the case are that the police party, while on patrolling on 05.11.2021, received a secret information to the effect that petitioner, namely, Kamal Nath was involved in selling intoxicant medicines. It was informed that he would come on his motorcycle by carrying some intoxicant tablets in a backpack. If barricading was laid, he could be arrested along with the contraband. On receiving the secret information, police laid the barricading, the motorcycle resembling in the secret information was coming and the same was stopped. The rider of the motorcycle, on asking disclosed his name to be Kamal Nath. He was suspected to be carrying some contraband. Thus, search was carried out. On conducting the search, 862 capsules of Tramadol, weighing

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possession of the same and he was arrested at the spot. On registration of FIR, investigation commenced. The samples taken were sent to the FSL. On receiving the FSL, challan was presented. He approached the learned Judge, Special Court, Karnal for grant of bail. However, after hearing both the sides and finding no merit in the same, the learned Judge, Special Court, Karnal declined the bail application vide order dated 29.10.2025. Aggrieved by the same, petitioner is before this Court praying for the grant of bail by way of filing the present petition.

3. Learned counsel for the petitioner has vehemently contended that the petitioner has been falsely implicated in the present case. He submits that the case of the prosecution is based on secret information, however, there is violation of provisions of Section 42 of NDPS Act. He further submits that the alleged recovery has been effected from a public place and no independent witness has been joined and the provisions of Section 50 of the NDPS Act have been violated. He further submits that co-accused, namely, Sanjeev has already been granted by a Co-ordinate Bench of this Court vide order dated 22.07.2025 passed in CRM-M-27798-2025. He further submits that petitioner has no criminal antecedents as he has never been involved in any other case. He further submits that petitioner is behind bars since 05.11.2024. However, there is no material progress in the trial. He further submits that in the facts and circumstances, the petitioner deserves to be granted regular bail.

4. Per contra, learned State counsel has opposed the submissions made by the counsel for the petitioner and submits that the petitioner has been specifically named in the secret information. She further submits the alleged recovery effected from their conscious possession was 862 capsules of Tramadol,



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provisions of Section 37 of NDPS Act, are attracted in the present case. He, on instructions, has submitted that out of total 20 prosecution witnesses, none has been examined till date. He has produced the custody certificate of petitioner today in the Court and the same is taken on record and he is not involved in any other case.

5. Heard.

6. On hearing learned counsel for the parties and perusing the record, it is deciphered that the case is based on secret information and the recovery has been effected from the public place. Custody certificate produced would show that the petitioner has completed incarceration of 01 year, 02 months and 06 days 12.01.2026. It further reflects that the petitioner is involved in one more case, however, he is on bail in that case. Out of total 20 prosecution witnesses, none has been examined till date. 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



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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 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 petitioner this Court is of the opinion that learned counsel for the petitioner



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succeeds in making out a case for grant of regular bail. Accordingly, the present petition is 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.

13.01.2026
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(RAJESH BHARDWAJ)
JUDGE

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