



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

245

CRM-M-68709-2025 (O&M)

Date of decision : 20.01.2026

Balister

..... Petitioner

VERSUS

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE SURYA PARTAP SINGH

Present : Mr. Ram Kumar Saini, Advocate for the petitioner.

Ms. Deepali Verma, Asst. A.G. Haryana.

SURYA PARTAP SINGH, J. (oral)

For the commission of offence punishable under Sections 20 and 29 of Narcotic Drugs and Psychotropic Substances Act, hereinafter referred to as 'NDPS Act', the FIR No.346 dated 13.10.2023, has been lodged in Police Station Bahalgarh District Sonipat. The petitioner is being prosecuted for the commission of abovementioned offence and he has been arrested. The petitioner is in custody and, therefore, craving for bail.

2. In nutshell, the facts emanating from the record are that the above-mentioned FIR came into being at the instance of 'SI Sukhbir Singh', who reported that on 13.10.2023, when he was heading a police party deputed for patrolling duty, a reliable source gave him a tip-off that Sonu, Balister and Gurdeep were travelling in a car bearing registration No.HR30-Z-6544, and that they were carrying huge quantity of hashish. As per above-named police official in view of abovementioned information, the



abovementioned car was intercepted, and on search of abovementioned car, which was in the name of Balister, 01 kg 320 gms of hashish was recovered.

3. It has been further alleged by the prosecution that on recovery of abovementioned contraband, necessary formalities with regard to seizure & sealing of contraband, lodging of FIR, and arrest of the accused were performed, and further investigation taken up.

4. **Notice of motion.**

5. Ms. Deepali Verma, Asst. A.G. Haryana appears on behalf of respondent-State. Hence service of notice upon the State is hereby dispensed with. No formal reply to the petition has been filed by the learned State Counsel. However, she has orally opposed the petition.

6. Heard.

7. It has been contended on behalf of the petitioner that petitioner has been falsely implicated in the present case, and that recovery of alleged contraband, i.e. 1 kg 320 gms of hashish had taken place from the polythene bag lying under the seat. According to learned counsel for the petitioner, petitioner is in custody from the date of his arrest, i.e. since 13.10.2023, and that similarly placed co-accused, namely Gurdeep @Gurudeep and Sonu, have been accorded the benefit of bail.

8. The learned State Counsel has controverted the abovementioned arguments. The learned State Counsel has argued that the petitioner does not have clean antecedents. According to learned State Counsel, the quantity of contraband recovered in this case comes within the ambit of commercial quantity, and therefore, without satisfying the twin



conditions enshrined under Section-37 of NDPS Act, the benefit of bail cannot be afforded to the petitioner.

9. The record has been perused carefully.

10. A perusal of record shows that in the present case, following are the relevant factors which are required to be taken into consideration, for a decision: -

- (i) that the petitioner has already suffered prolonged incarceration for a period of more than 02 years and 03 months;
- (ii) that on the basis of parity also, the petitioner is entitled for bail as his co-accused, namely Gurdeep @Gurudeep and Sonu, have been accorded the benefit of bail, by this Court;
- (iii) that nothing is left to be recovered from the possession of petitioner;
- (iv) that trial is not likely to be concluded in near future;
- (v) that detention of petitioner in judicial lock up is not likely to serve any purpose;
- (vi) that there is nothing on record to show that if released on bail, the petitioner may tamper with the evidence or influence the witnesses; and
- (vii) that there is nothing on record to show that if released on bail, the petitioner will not co-operate/participate in the trial.

11. In the present case, the principles of law laid down by the Hon'ble Supreme Court in the case of "Dataram versus State of Uttar Pradesh and another", 2018(2) R.C.R. (Criminal) 131, are relevant, wherein it has been observed that "a fundamental postulate of criminal jurisprudence



is the presumption of innocence, meaning thereby that a person is believed to be innocent until found guilty. However, there are instances in our criminal law where a reverse onus has been placed on an accused with regard to some specific offences but that is another matter and does not detract from the fundamental postulate in respect of other offences. Yet another important facet of our criminal jurisprudence is that the grant of bail is the general rule and putting a person in jail or in a prison or in a correction home (whichever expression one may wish to use) is an exception. Unfortunately, some of these basic principles appear to have been lost sight of with the result that more and more persons are being incarcerated and for longer periods. This does not do any good to our criminal jurisprudence or to our society. There is no doubt that the grant or denial of bail is entirely the discretion of the judge considering a case but even so, the exercise of judicial discretion has been circumscribed by a large number of decisions rendered by this Court and by every High Court in the country. Yet, occasionally there is a necessity to introspect whether denying bail to an accused person is the right thing to do on the facts and in the circumstances of a case”.

12. The principles laid down by the Hon’ble the Supreme Court of India in the case of ‘Satender Kumar Antil Vs. Central Bureau of Investigation and Another’, (2022) 10 SCC 51, are also relevant in this case. In the abovementioned case, it has been observed that “the rate of conviction in criminal cases in India is abysmally low. It appears to us that this factor weighs on the mind of the Court while deciding the bail applications in a negative sense. Courts tend to think that the possibility of a conviction being



nearer to rarity, bail applications will have to be decided strictly, contrary to legal principles. We cannot mix up consideration of a bail application, which is not punitive in nature with that of a possible adjudication by way of trial. On the contrary, an ultimate acquittal with continued custody would be a case of grave injustice”.

13. Recently, in the case of ‘Tapas Kumar Palit Vs. State of Chhattisgarh’, 2025 SCC Online SC 322, the Hon’ble Supreme Court of India has observed that “if an accused is to get a final verdict after incarceration of six to seven years in jail as an undertrial prisoner, then, definitely, it could be said that his right to have a speedy trial under Article 21 of the Constitution has been infringed”. It has also been observed by the Hon’ble Supreme Court of India in the abovementioned case that “delays are bad for the accused and extremely bad for the victims, for Indian society and for the credibility of our justice system, which is valued. Judges are the masters of their Courtrooms and the Criminal Procedure Code provides many tools for the Judges to use in order to ensure that cases proceed efficiently”.

14. Therefore, to elucidate further, this Court is conscious of the basic and fundamental principle of law that right to speedy trial is a part of reasonable, fair and just procedure enshrined under Article 21 of the Constitution of India. This constitutional right cannot be denied to the accused as mandated by Hon’ble Apex court in “Balwinder Singh versus State of Punjab and Another”, 2024 SCC Online SC 4354.

15. If the cumulative effect of all the abovementioned factors, involved in the instant case, is taken into consideration, it leads to a



conclusion that the petitioner is entitled for the benefit of bail, and that the present petition deserves to be allowed.

16. Accordingly, without commenting anything on the merits of the case, the present petition is hereby *allowed*. The petitioner is hereby ordered to be released on bail on his furnishing personal bond and surety bond(s) to the satisfaction of learned trial Court, subject to the following conditions:-

- (i) that the petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, so as to dissuade him to disclose such facts to the Court or to any other authority.
- (ii) that the petitioner shall at the time of execution of bond, furnish the address to the Court concerned and shall notify the change in address to the trial Court, till the final decision of the trial; and
- (iii) that the petitioner shall not leave India without prior permission of the trial Court.

(SURYA PARTAP SINGH)
JUDGE

20.01.2026

Gaurav Thakur

Whether speaking / reasoned
Whether Reportable

Yes/No
Yes/No