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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

1. CRM-M-71108-2025

Gina @ Ginna

.....Petitioner

versus

State of Haryana

..... Respondent

2. CRM-M-2684-2026

Rampyari

....Petitioner

versus

State of Haryana

....Respondent

Date of decision: 13.03.2026

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. P.S. Sekhon, Senior Advocate with
Ms. Nitika Sekhon, Advocate (in CRM-M-71108-2025)
Mr. Ankur Lal, Advocate (in CRM-M-2684-2026)
for the petitioner.

Ms. Diya Sodhi, Senior DAG, 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 filing the
present petitions praying for grant of regular bail to them in case FIR
No.01 dated 06.01.2025, under Section 20(b) (ii)-C and 29 of NDPS Act,
1985, registered at Police Station Bawani Khera, District Bhiwani.

3. Succinctly, facts of the case are that the police party in
connection with prevention of narcotic substance, was present at Tosham
turn, Bawani Khera where a secret informer informed that one Ravi Dass
has come to the Jhuggies along with ganja and in case of raid, they could



be arrested on the spot along with the contraband. On receiving the information, the police reached the place as disclosed and a person was seen having a plastic bag on his head. On seeing the police, he was apprehended. He was suspected to be carrying some contraband. On asking, he disclosed his name as Ravi Dass. On conducting the search, from three plastic bags, 58.880 kgs of ganja was recovered. He failed to produce any license regarding possession of the same and hence, the FIR was registered and investigation commenced. However, during investigation, on the basis of disclosure statement of co-accused-Ravi Dass, Rampyari (petitioner in CRM-M-2684-2026) and Geena (petitioner in CRM-M-71108-2025) have been arrayed as accused in the present case and thus, were arrested on 07.01.2025. On completion of the investigation, challan was presented and on framing of charges, trial commenced. Petitioners approached the Court of learned Judge, Special Court under NDPS Act, Bhiwani, praying for grant of bail, however, finding no merit, the same were declined after hearing both the sides vide orders dated 13.11.2025 and 07.07.2025, respectively. Aggrieved by the same, earlier petitioner-Rampyari approached this Court by way of filing CRM-M-46021-2025, however, the same was dismissed as withdrawn vide order dated 08.09.2025. Hence, petitioners are before this Court by way of filing of present petitions for grant of bail.

4. It has been submitted by learned Senior counsel for the petitioner in CRM-M-71108-2025 and learned counsel for the petitioner in CRM-M-2684-2026 that petitioners have been falsely and frivolously implicated in the present cases. It has been submitted that admittedly, the case of the prosecution is to the effect that the recovery of 58.880 kgs of ganja has been recovered from co-accused, namely, Ravi Dass. It has been



submitted that the FIR has been registered on the basis of secret information in which the information was only *qua* Ravi Dass and not *qua* the petitioners. It has been submitted that both the petitioners were subsequently, arrayed as accused on the basis of disclosure statement of co-accused, namely, Ravi Dass. To buttress their arguments, it has been contended that the petitioners have no criminal antecedents and they are poor labourers. It has been submitted that petitioners are behind the bars from last more than one year and the investigation is complete, charges are also framed.

5. Learned State counsel has vehemently opposed the submissions made by learned counsel. She has submitted that the complicity of the petitioners was established during investigation. She has submitted that the petitioners were found to accompanying Ravi Dass upto Andhra Pradesh from where contraband was recovered. She has further submitted that the recovery of 58.880 kgs of ganja has been effected which falls under the commercial quantity and thus, provisions of Section 37 of the NDPS Act are attracted in this case. She, on instructions has submitted that out of 22 prosecution witnesses, 09 witnesses have been examined. She has placed on record the custody certificates of the petitioners.

6. After hearing learned counsel for the parties and perusing the record, it is deciphered that both the petitioners were arrayed as accused on the basis of statement of co-accused. The information was qua co-accused Ravi Dass from whom, recovery of 58.880 kgs of ganja has been effected. Custody certificates of the petitioners filed by the State show that the petitioners have undergone incarceration of 01 year, 02 months and 06 days as on 12.03.2026. Custody certificate of petitioner-Gina @ Ginna



shows that petitioner-Gina @ Ginna is involved in one more case.

Custody certificate of petitioner-Rampyari shows that she is not involved in any other case. As submitted by learned State counsel, out of 22 prosecution witnesses, 09 witnesses have been examined so far.

7. 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 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.

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21it 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.

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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. The trial of the cases will take sufficiently long time. However, keeping in view the overall facts and circumstances of the present cases, this Court is of the opinion that learned counsel for the petitioners succeed in making out a case for grant of regular bail. Accordingly, the present petitions are allowed and the 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.

9. If petitioner-Gina @ Ginna does not furnish the bail bonds within seven days from today, then his further custody period after one week will not be counted in the present case.

13.03.2026
m.sharma

(RAJESH BHARDWAJ)
JUDGE

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