



CRM-M-71740-2025

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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Date of Decision: 21.01.2026

Sahid

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present: Mr. Vaibhav Parashar, Advocate
for the petitioner.

Mr. Mohit Chaudhary, AAG, Haryana.

RUPINDERJIT CHAHAL, J (ORAL)

1. Prayer in the instant petition filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 is for grant of regular bail to the petitioner in case FIR No.589 dated 17.07.2024 registered under Sections 20(B) (II) (C) of the Narcotic Drugs and Psychotropic Substances Act, 1985, at Police Station Sector 58, Faridabad.

2. Brief facts of the present case are that on 16.07.2024, SI Bhupender, along with his fellow police officials was on patrolling duty and on the basis of secret information, intercepted a motorcycle occupied by the co-accused Jabid and the petitioner. The petitioner managed to flee from the spot and from the apprehended co-accused Jabid 20 kg 816 gram ganja was recovered. Initially the FIR was registered against the said co-accused.

3. Learned counsel for the petitioner contends that the petitioner

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has been falsely implicated in the present case and he has no concern with the said incident. He argues that the petitioner was not apprehended at the spot. Moreover, the petitioner has clean antecedents as he is not involved in any other case. No recovery is to be effected from him. The petitioner is in custody since 27.11.2024. The investigation in the case is complete, challan stands presented and charges have also been framed. He further submits that there are total 19 prosecution witnesses and out of which, none has been examined till date and as such, the trial will take a long time to conclude and no useful purpose would be served by keeping him behind bars. Therefore, it is urged that the petition deserves to be allowed.

4. Notice of motion.

5. Learned State counsel, who has appeared on advance notice of the petition, filed the custody certificate of the petitioner, which is taken on record. He has vehemently opposed the prayer for grant of bail by submitting that the offence committed by the petitioner is serious in nature as the recovery of alleged contraband falls under the commercial quantity. However, he has not controverted the fact that the petitioner is first time offender as he is not involved in any other case.

6. Having heard learned counsel for the parties at length and after perusing the record of the case, it is evident that the petitioner is in custody for last more than 01 year and 01 month; investigation is complete; challan stands presented, charges have also been framed, out of total 19 witnesses, none has been examined till date and the fact that trial may take a long time to conclude, no useful purpose would be served by detaining him in further custody. His continued detention without the prospect of the trial being concluded in the



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near future would be violative of his rights under Article 21 of the Constitution of India.

7. Reliance is placed upon in ***Dataram Singh vs. State of Uttar Pradesh & Anr. 2018(2) R.C.R. (Criminal) 131***, wherein Hon'ble Apex Court has held that keeping somebody behind the bars, till his guilt is proved, for an indefinite period amounts to infringement of her right to life and liberty, as enshrined under Article 21 of Constitution of India and is against the principle "*bail is a rule*" and "*jail is an exception*".

8. Moreover, prolonged detention of the petitioner, without any likelihood of the trial being concluded in the near future, would amount to a violation of their fundamental rights guaranteed under Article 21 of the Constitution of India. The Hon'ble Supreme Court, in ***Mohd. Muslim @ Hussain v. State (NCT of Delhi), 2023 AIR SC 1648***, while dealing with an NDPS case, held that the principles of fairness embodied under Article 21 override the statutory restrictions on grant of bail under Section 37 of the NDPS Act. Speaking through Justice S. Ravindra Bhat, the Court observed:

"20. The standard to be considered therefore, is one, where the court would look at the material in a broad manner, and reasonably see whether the accused's guilt may be proved. The judgments of this court have, therefore, emphasized that the satisfaction which courts are expected to record, i.e., that the accused may not be guilty, is only prima facie, based on a reasonable reading, which does not call for meticulous examination of the materials collected during investigation (as held in Union of India v. Rattan Malik). Grant of bail on ground of undue delay in trial, cannot be said to be fettered by Section 37 of the Act, given the imperative of Section 436A which is applicable to offences under the NDPS Act too (ref. Satender



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Kumar Antil supra). Having regard to these factors the court is of the opinion that in the facts of this case, the appellant deserves to be enlarged on bail.

21. Before parting, 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 . Jails are overcrowded and their living conditions, more often than not, appalling."

13. In view of the above, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate/CJM concerned. It is clarified that nothing stated herein shall be construed as an expression of opinion on the merits of the case.

(RUPINDERJIT CHAHAL)
JUDGE

21.01.2026
monika

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