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

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**CRM-M-72227-2025 (O&M)
Decided on : 19.02.2026**

Kanhya Lal Pattidar and Another

..... Petitioners

VERSUS

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE SURYA PARTAP SINGHPresent: Mr. Parminder Singh Sekhon, Sr. Advocate with
Mr. Rajdeep Singh Gill, Advocate for the petitioner.

Mr. Ramender Singh Chauhan, AAG Haryana.

SURYA PARTAP SINGH, J.

This petition for bail, which is first petition, has been filed by the petitioner under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, with regard to a case arising out of FIR No.302 dated 20.09.2025 for the commission of offence punishable under Sections 15-C, 27-A and 29 of NDPS Act 1985, Police Station Kalayat, District Kaithal.

2. The abovementioned FIR came into being at the instance of 'SI Gurtej', who had reported that on 20.09.2025 when he was leading a team of police officials, deputed for patrolling duty, a reliable source gave him a tip-off that 'Ishwar Lal Gayari' and 'Krishna Mali' were involved in the illegal activities of selling the drugs. According to prosecution in view of abovementioned information the canter, bearing Registration No.RJ-14GT-1625, was intercepted and from the abovesaid vehicle 295.57 kg of poppy husk was recovered. According to the prosecution, at the time of recovery,

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‘Ishwar Lal’ and ‘Krishna Mali’ were the occupants of the abovementioned canter.

3. It is the case of the prosecution that pursuant to abovementioned recovery, the requisite formalities with regard to seizure and sealing of contraband, slapping of FIR and arrest of accused were performed and further investigation taken up.

4. According to prosecution, during the course of investigation both ‘Ishwar Lal’ and ‘Krishna Mali’ had suffered their respective disclosure statements, wherein they disclosed the name of ‘Pankaj Sharma’ as the supplier of contraband. According to prosecution, in view of abovementioned disclosure when Pankaj Sharma was arrested and interrogated, he, too, suffered a disclosure statement wherein he nominated the petitioners by stating that the petitioners had helped him in loading the contraband.

5. Heard.

6. The record has been perused carefully.

7. 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 nothing has been recovered from the possession of petitioners;
- ii. that both the petitioners are already in custody for a period of more than three months;
- iii. that both the petitioners have no criminal antecedents;



- iv. that as per prosecution story, names of the petitioners have come into picture in the disclosure statement suffered by co-accused;
- v. that except the disclosure statement of co-accused, there is no other evidence against the petitioners and there is a question mark with regard to admissibility in evidence, of abovementioned disclosure statement, as the same was recorded when the co-accused was in police custody and the abovementioned disclosure statement did not lead to recovery of any incriminating material or discovery of fact related to present case;
- vi. that nothing is left to be recovered from the possession of petitioners;
- vii. that detention of petitioners in judicial lock-up is not likely to serve any purpose;
- viii. that the trial is not likely to be concluded in near future;
- ix. that there is nothing on record to show that if released on bail, the petitioners may tamper with the evidence or influence the witnesses; and
- x. that there is nothing on record to show that if released on bail, the petitioners will not participate/cooperate in the trial.

8. In the present case, the principles of law laid down by the Hon'ble Supreme Court of India in the case of "Dataram versus State of Uttar Pradesh and another", 2018(2) R.C.R. (Criminal) 131, are relevant,

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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”.

9. 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”.

10. 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”.

11. 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



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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.

12. 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.

13. 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 furnishing personal bond and surety bond(s) to the satisfaction of learned trial Court. However the abovementioned concession shall be subject to 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

19.02.2026
Vinod

Whether speaking / reasoned	Yes/No
Whether Reportable	Yes/No