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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.73312 of 2025
Date of decision: 12.01.2026

Amir Beg

.....Petitioner

versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. G.C. Shahpuri, Advocate
for the petitioner.

Ms. Diya Sodhi, Sr. D.A.G., Haryana.

RAJESH BHARDWAJ, J. (Oral)

1. Present third petition has been filed praying for the grant of regular bail to the petitioner in case bearing FIR No.17, dated 11.01.2025, under Section 21-C of NDPS Act, 1985, however, Sections 27 & 29/61/85 of NDPS Act added later on, registered at Police Station Sadar Yamuna Nagar, District Yamuna Nagar.
2. Succinctly the facts of the case are that the police party, while on patrolling on 11.01.2025, received a secret information to the effect that Inshad S/o Dilshad, is involved in selling of smack/heroin. It was informed that he would come on his splendor motorcycle from Sarsawa and in case of *naaka*, he could be apprehended along with the contraband. On receiving the secret information, the raiding party was constituted and reached the place as disclosed in the secret information. The person, as informed, was seen coming on the motorcycle and he was stopped. On asking, he disclosed his



name to be Inshad. He was suspected to be carrying some contraband and thus, his search was conducted. On conducting the search, 555.4 grams of heroin/smack was recovered from his pocket. He failed to produce any licence regarding the conscious possession of the same, thus, the FIR was registered and he was arrested on the spot. On registration of the FIR, the investigation commenced. During the investigation, complicity of the petitioner surfaced as he was the supplier of contraband and thus, he was arrayed as an accused in the present case. Resultantly, the petitioner was arrested on 13.01.2025. The petitioner approached the Court of learned Additional Sessions Judge, Yamuna Nagar at Jagadhri praying for the grant of regular bail, however, after hearing both the sides and finding no merit in the same, the learned Additional Sessions Judge, Yamuna Nagar at Jagadhri declined the bail application filed by the petitioner vide order dated 11.02.2025. Being aggrieved, the petitioner earlier approached this Court twice praying for the grant of bail by way of filing CRM-M-14263-2025 and CRM-M-40625-2025, however the same were dismissed vide orders dated 02.05.2025 and 04.08.2025, respectively. Hence being aggrieved, the petitioner is again before this Court by way of filing the present third petition praying for the grant of regular bail.

3. Learned counsel for the petitioner has vehemently contended that the petitioner has been falsely implicated in the present case on the basis of disclosure statement made by co-accused, Inshad, from whom the alleged recovery has been effected. He has submitted that the disclosure statement in itself is not even an admissible evidence. He, at the outset, prays for the grant of bail to the petitioner on the basis of parity with that of the co-accused, namely, Israr @ Kala and Mohammad Nabi. He has drawn the attention of



this Court to the orders dated 28.07.2025 and 19.12.2025, respectively, passed in **CRM-M-38855-2025** and **CRM-M-36104-2025**, whereby, co-accused, namely, Israr @ Kala and Mohammad Nabi have been granted regular bail by this Court. He has submitted that the petitioner is behind bars since 13.01.2025. He has submitted that the petitioner has no criminal antecedents as he has never been involved in any other case. He has submitted that on the basis of the parity, the petitioner deserves to be granted bail as the case of the petitioner is similar to that of the said co-accused, who has already been granted bail.

4. *Per contra*, learned counsel for the State has opposed the submissions made by the counsel for the petitioner and has submitted that complicity of the petitioner has been surfaced during the investigation as he was the supplier of contraband. She has submitted that the contraband recovered in the present case is 552 grams of heroin, which is a commercial quantity and thus, the provisions of Section 37 of NDPS Act are attracted. She, however has endorsed the factum of grant of bail to the co-accused of the petitioner as stated above and has not denied that the petitioner is at par with the co-accused, namely, Israr @ Kala and Mohammad Nabi.

5. Heard.

6. On hearing counsel for the parties and perusing the record, it is deciphered that the petitioner has been arrayed as an accused in the present case on the basis of second disclosure statement of the co-accused, from whom the alleged recovery has been effected. Contraband recovered in the present case falls under the category of commercial quantity. As submitted by learned counsel for the petitioner, the petitioner is not involved in any other case. Co-accused of the petitioner, namely, Israr @ Kala and Mohammad



Nabi have already been granted bail by this Court.

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 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 the 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 case will take sufficiently long time. Thus, keeping in view the overall facts and circumstances of the case, this Court is of the opinion that learned counsel for the petitioner succeeds in making out a case for grant of regular bail on the basis of parity.
9. Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the concerned Court/Duty Magistrate. However, if the petitioner does not furnish the bail bonds within seven days from today, then his further custody period after one week will not be counted in this case. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

12.01.2026

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Whether speaking/reasoned

Whether reportable

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(RAJESH BHARDWAJ)

JUDGE

Yes/No

Yes/No