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

**CRM-M No.34513 of 2025  
Date of decision : 31.07.2025**

**Devendra Kumar Meena @ Devender Kumar Meena**

**.....Petitioner**

**versus**

**State of Haryana**

**..... Respondent**

**CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ**

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Present :- Mr. Ravinder Malik, Advocate;  
Mr. Garvit Mittal, Advocate and  
Mr. Aman Nain, Advocate  
for the petitioner.

Ms. Diya Sodhi, Sr. DAG, Haryana.

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**RAJESH BHARDWAJ, J. (Oral)**

1. Present petition has been filed praying for the grant of regular bail to the petitioner in case bearing FIR No.54, dated 18.03.2024, under Sections 15(c), 27(A), 29/61/85 of NDPS Act, 1985 and Sections 201, 474 of IPC, registered at Police Station Uchana, District Jind.

2. Succinctly the facts of the case are that the police party, while on patrolling on 18.03.2024, received a secret information to the effect that Iqbal Singh and Karanjit Singh are involved in smuggling of Poppy Husk bringing the same from Rajasthan. It was informed that they had gone to Rajasthan to bring Poppy Husk in their Car bearing registration



No.DL3CBY1240 make Volkswagen Jetta colour Silver and they would come towards Narwana by crossing the Toll Plaza and in case of barricading, they could be arrested along with the heavy quantity of Poppy Husk being carried in the Car. On finding the secret information reliable, the raiding party was constituted and the barricading was laid at the place disclosed in the secret information. The car as disclosed was seen coming and the same was stopped. 02 persons were travelling in the same. Both of them, on asking, disclosed their names as Iqbal Singh and Karanjit Singh. They were suspected to be carrying some contraband and thus, the search of the car was conducted and 8 bags of Poppy Husk was recovered from the same. The total weight of the recovered contraband came to be 146 Kg of Poppy Husk. They failed to produce any licence regarding the conscious possession of the same and thus the FIR was registered and both were arrested on the spot. On registration of the FIR, the investigation commenced. The samples taken were sent to the FSL. During the investigation, they made disclosure about the complicity of the petitioner and other co-accused. Thus the petitioner was also arrayed as an accused in the present case and was arrested on 28.11.2024. The petitioner approached the Court of learned Additional Sessions Judge, Jind praying for the grant of bail. However, after hearing both the sides finding no merit in the same, the learned Additional Sessions Judge, Jind declined the petition filed by the petitioner vide order dated 03.04.2025. Hence being aggrieved, the petitioner is before this Court by way of filing the present petition praying for the grant of regular bail.

3. Learned counsel for the petitioner has vehemently contended



that neither the petitioner was named in the secret information nor any recovery has been effected from him. However he has been implicated in the present case on the basis of disclosure statement of co-accused, which is not even an admissible evidence. He has submitted that the petitioner alleged to be the supplier of the contraband, which is without any basis. He has submitted that the petitioner has been falsely implicated in one more case, however he is on bail in that case. He has submitted that the similarly situated co-accused, namely, Chhotu Lal and Bahal Singh @ Jeeta have already been granted bail by this Court vide separate order dated 18.02.2025 passed in CRM-M No.29845 of 2024 and CRM-M-38992 of 2024. He has submitted that in the facts and circumstances, the petitioner deserves to be granted bail.

4. *Per contra*, learned counsel for the State however has opposed the submissions made by counsel for the petitioner. She, on instructions, has submitted that complicity of the petitioner surfaced during the investigation and he was found to be the supplier. She, on instructions, has submitted that out of 46 prosecution witnesses, no witness has been examined till date. She has also apprised the Court that 02 of the co-accused have already been granted bail by this Court vide order dated 18.02.2025. She has submitted that the recovery effected from the co-accused falls under the commercial quantity and thus provisions of Section 37 NDPS Act are attracted. She has submitted that the petitioner is involved in one more case registered in Rajasthan for the offence under NDPS Act. She has placed on record custody certificate of the petitioner today in the Court and the same is taken on record.



5. Heard.

6. After hearing learned 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 disclosure statement of co-accused. 02 of the co-accused have already been granted bail by this Court vide order dated 18.02.2025. Out of 46 prosecution witnesses, no witness has been examined till date. Quantity recovered from the co-accused falls under the category of commercial in nature. Custody certificate produced would show that the petitioner has completed incarceration of 08 months and 02 days as on 30.07.2025. The petitioner is involved in one more case, however he is on bail in that case.

7. After perusal of the order passed by the Hon'ble Supreme Court in *Mohd Muslim @ Hussain vs. State (NCT of Delhi), 2023 Live Law (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.*

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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.*

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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"<sup>22</sup> (also see Donald Clemmer's 'The Prison Community' published in 1940<sup>23</sup>). 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.

9. This Court would refrain itself from commenting anything on the merits of the case. Keeping in view the arguments raised by both the sides and perusing the record, the Court is of the opinion that learned counsel for the petitioner succeeds in making out a case for the grant of bail. 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 trial Court/Duty Magistrate. Nothing said herein shall be treated as an expression of opinion on the merits of the case. 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.

**31.07.2025**

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Whether speaking/reasoned  
Whether reportable

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**(RAJESH BHARDWAJ)  
JUDGE**

Yes/No  
Yes/No