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

CRM-M-38855-2025

Date of decision : 28.07.2025

Israr @ Kala

.....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 petition has been filed for grant of regular bail to the petitioner in case FIR No.17 dated 11.01.2025, under Sections 21-C of Narcotic Drugs and Psychotropic Substances Act, 1985 however, Sections 27 & 29/61/85 of NDPS Act have been added later on, registered at Police Station Sadar Yamuna Nagar, District Yamuna Nagar.

2. Succinctly the facts of the case are that on 11.01.2025, the police party while on patrolling, 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 if nakabandi is laid, he could be arrested along with the contraband. On receiving the information, the raiding party was constituted and they reached at the disclosed place. The person as informed, was seen coming on the motorcycle. He was suspected to be carrying some contraband thus, he was stopped and on asking he disclosed his name as Inshad. He was



given an offer to be searched. On conducting the search, 555.4 grams of heroin/smack was recovered from his pocket. He failed to produce any licence regarding the possession of the same and thus, he was arrested on the spot. 02 independent witnesses were joined by the Police party. On registration of FIR, investigation commenced. During investigation, first disclosure statement of Inshad was recorded on the same day i.e. on 11.01.2025 and thereafter, his second disclosure statement was recorded on 13.01.2025, wherein he disclosed about the involvement of the petitioner and thus, he was also arrayed as an accused and was arrested on the same day. On completion of investigation, challan was filed. The petitioner approached the learned Additional Sessions Judge, Yamuna Nagar at Jagadhri for grant of bail, however, after hearing both the sides, the same was declined by the learned Additional Sessions Judge, Yamuna Nagar at Jagadhri vide order dated 15.07.2025. Aggrieved by the same, the petitioner is before this Court by way of filing the present petition.

3. Learned counsel for the petitioner has vehemently contended that the petitioner has been falsely implicated in the present case on the basis of second disclosure statement made by co-accused, Inshad, from whom the alleged recovery has been effected. He submits that even in the disclosure statement made by co-accused, Inshad, he had disclosed that he used to take the motorcycle of nephew of the petitioner for selling the contraband and also stated that as the petitioner became habitual for consuming smack, therefore, for that purpose he used to give smack to the petitioner also for consumption. He submits that disclosure statement in itself is not an admissible evidence. He submits that even otherwise as per the disclosure statement, offence under Section 21-C of NDPS Act, as alleged against the petitioner is also not made out. The petitioner has no



criminal antecedents. He thus, submits that in the facts and circumstances of the case, the petitioner deserves to be granted bail.

4. Per contra, learned State counsel has opposed the submissions made by the counsel for the petitioner and submits that the complicity of the petitioner is writ large as per the investigation done so far and challan is already presented. She, on instructions, has submitted that investigation is complete and challan is already filed, however, charges are yet to be framed. She has produced the custody certificate of the petitioner on record.

5. 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. As per custody certificate, the petitioner has suffered an incarceration of 06 months and 13 days as on 25.07.2025. It further shows that the petitioner has no criminal antecedents.

6. 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”<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.*

7. 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.



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.

28.07.2025

*ps-I*

( **RAJESH BHARDWAJ** )  
**JUDGE**

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