



CRM-M-56274-2025

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

CRM-M-56274-2025 (O&M)

Date of Decision: 14.10.2025

Dhir Singh @ Dheera

..... Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Vimal Kumar Gupta, Advocate, for the petitioner.

Ms. Diya Sodhi, Sr. DAG, Haryana.

Rajesh Bhardwaj, J. (ORAL)

1. Petitioner has approached by way of filing the present petition praying for grant of regular bail in case FIR No.212 dated 18.03.2024 under Sections 15(C), 25 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station City Karnal, District Karnal.
2. Succinctly, facts of the case are that on 18.03.2024, the police party while on patrolling, received a secret information to the effect that Dheer Singh @ Dheera (petitioner) and his friend Titu are involved in drug paddling business. It was informed that they are bringing a large quantity of doda (waste) and chura post in a vehicle No.HR45D-6996 brand TATA INTRA V30. It was informed that in case of raid, they could be arrested alongwith the contraband. On receiving the information, a raiding team was constituted, which reached the place as disclosed and found a truck parked in which two persons were sitting. On seeing the police, they got perplexed and tried to escape from the widow of the vehicle, however, both were apprehended. On asking, they disclosed their names to be Titu and Dheer Singh @ Dhira. They were suspected to be carrying some contraband and



thus, search of the vehicle was conducted and 10 plastic bags containing 200 kgs of doda post were recovered. They failed to produce any licence regarding the possession of the same and thus, on the registration of the FIR, they were arrested on the spot. The investigation commenced. Samples taken were sent to the FSL. The petitioner approached the Court of learned Additional Sessions Judge-cum- Exclusive Court for Fast Track of Offences under NDPS Act, Karnal praying for grant of regular bail. However, after hearing both the sides, the learned Court finding no merit in the same, dismissed the bail application filed by the petitioner vide order dated 19.09.2025. Hence, the petitioner has approached this Court praying for grant of regular bail by way of filing the present petition.

3. Learned counsel for the petitioner, at the outset, prays for the grant of bail to the petitioner on the basis of parity with that of the co-accused, namely, Titu. He has drawn the attention of this Court to the order dated 13.10.2025 passed in **CRM-M-53709-2025**, whereby, co-accused Titu has been granted regular bail by this Court. He submits that the petitioner is behind bars since the date of his arrest. He submits that on the basis of 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. Learned State counsel 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, Titu. On instructions, she has submitted that out of total 23 prosecution witnesses, 03 witnesses have been examined. She has placed on record the custody certificate of the petitioner.



5. After hearing learned counsel for the parties and perusing the record, it is deciphered that the petitioner is behind bars since the date of his arrest. Co-accused, namely, Titu is on bail and the case of the petitioner as stated is at par with him. Custody certificate of the petitioner shows that the petitioner has suffered incarceration of 01 year, 06 months & 17 days as on 13.10.2025. It further reflects that the petitioner had faced prosecution in three more cases, however, either he has been acquitted or has undergone the sentenced awarded to him in those case.

6. 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.

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21it 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”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.’*

7. This Court would refrain itself from commenting anything on the merits of the case. Keeping in view the arguments raised by both the sides, this Court is of the opinion that learned counsel for the petitioner succeeds in making out a case for grant of regular bail to the petitioner on the basis of parity. 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.

8. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

(RAJESH BHARDWAJ)
JUDGE

14.10.2025

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Whether Speaking/Reasoned : Yes/No
Whether Reportable : Yes/No