

113 (2 cases)

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

1. **CRM-M-11366-2024**

Naveen Saini **.....Petitioner**

versus

State of Haryana **..... Respondent**

2. **CRM-M-24387-2025**

Ritik **.....Petitioner**

versus

State of Haryana **..... Respondent**

Date of decision : 14.10.2025

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Jashandeep Singh Sandhu, Advocate
for the petitioner in CRM-M-11366-2024.

Ms. Sharmila Sharma, Advocate
for the petitioner in CRM-M-24387-2025.

Mr. Sumit Jain, Addl. A.G., Haryana.

RAJESH BHARDWAJ, J. (Oral)

1. By way of this common order, this Court intend to dispose of abovesaid two petitions as they have arisen out of the same FIR.

2. Petitioners have approached this Court by way of present petitions praying for granting them regular bail in case FIR No.197 dated 12.05.2023, under Sections 18/20 of Narcotic Drugs and Psychotropic

Substances Act, 1985, Section 29 of NDPS Act, added lateron, registered at Police Station Sampla, District Rohtak.

3. Succinctly, the facts of the present case are that the police party, while on patrolling on 12.05.2023, received a secret information to the effect that Ritik (petitioner in CRM-M-24387-2025) and Somi are involved in selling and buying of drugs i.e. charas and opium. It was informed that they along with their friends Naveen (petitioner in CRM-M-11366-2024) and Jagdeep, would come in their Swift Dezire car bearing No.HR-12-AP-9328 and would travel from Delhi to Rohtak. In case the barricading is laid, they could be arrested along with contraband. On receiving the information, a raiding team was constituted and reached at the place disclosed. Thereafter, the car as disclosed was seen coming and same was stopped. 04 persons were found travelling in the car. On asking, driver of the car, disclosed his name to be Jagdeep, person sitting on the passanger seat disclosed his name to be Naveen and persons sitting at the back seat of the car, disclosed their names to be Ritik and Somi. They were suspected to be carrying some contraband and thus, search of the car was conducted. On conducting the search of the car, 4.814 kgs of Charas and 902 grams of opium were recovered. They failed to produce any licence regarding the conscious possession of the same and thus, FIR was registered and all 04 persons were arrested on the spot. Samples taken were sent to FSL. On receiving the FSL report, challan was presented and on framing of charges, trial commenced. Both the petitioners approached the learned Additional Sessions Judge, Rohtak for grant of bail. However, after hearing both the sides and finding no merit in the same, the learned Additional Sessions Judge, Rohtak declined their bail applications vide orders dated 06.02.2024 and 25.03.2025, respectively. Hence being

aggrieved, petitioners are before this Court praying for the grant of bail by way of filing the present petition.

4. Learned counsel for the petitioners have contended that the petitioners have been falsely implicated in the present case. It has been submitted that the FIR in the present case was registered on the basis of secret information. It is submitted that there is a gross violation of provisions of Section 42 of the NDPS Act. It is submitted that compliance of Section 50 of NDPS Act, is mandatory in conducting the search, however, there is violation of the same as well. To buttress their arguments, they submit that the alleged search was conducted in a public place, however, no independent witness was joined. They submit that the petitioners have no criminal antecedents as they have never been involved in any other case. They submit that the petitioners are behind bars since the date of their arrest and thus, their right of speedy trial is being defeated. They, thus, submit that in the overall facts and circumstances, the petitioners deserve to be granted bail.

5. Learned State counsel, on instructions, has opposed the submissions made by the counsel for the petitioners and submits that there was a specific secret information against the petitioners and all the 04 persons were arrested on spot and the petitioners were also travelling in the same car. He submits that recovery of 4.814 kgs of charas falls under the commercial quantity and thus, provisions of Section 37 of NDPS Act, are attracted in the present case. He, on instructions, has submitted that out of total 20 prosecution witnesses, none has been examined so far. He has produced the custody certificates of the petitioners on record.

6. On hearing counsel for the parties and perusing the record, it is inferred that the petitioners are behind bars since the date of their arrest.

The recovery of contraband has been effected on the basis of secret information in a public place. As per custody certificate, petitioner-Naveen has suffered an incarceration of 02 years, 03 months and 10 days days as on 22.08.2025 and petitioner-Ritik has suffered an incarceration of 02 years, 04 months and 25 days as on 13.10.2025. It further reflects that the petitioners have no criminal antecedents. As submitted before this Court, out of total 20 witnesses, none has been examined till date.

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.

9. The Hon’ble Supreme Court in *Ashim @ Asim Kumar Haranath Bhattacharya @ Asim Harinath Bhattacharya @ Aseem Kumar Bhattacharya Vs. National Investigation Agency, 2022(1) SCC 695* has held as under:

“Deprivation of personal liberty without ensuring speedy trial is not consistent with Article 21 of the Constitution of India. While deprivation of personal liberty for some period may not be avoidable, period of deprivation pending trial/appeal cannot be unduly long. At the same time, timely delivery of justice is part of human rights and denial of speedy justice is a threat to public confidence in the administration of justice.”

10. The Hon’ble Supreme Court in a recent decision dated 03.07.2024 in ‘**Javed Gulam Nabi Shaikh Vs. State of Maharashtra,**

Criminal Appeal No. 2787 of 2024, has held that howsoever serious a crime may be, an accused has the right to speedy trial under the Constitution of India.

11. This Court would refrain itself from commenting anything on the merits of the case. Thus, keeping in view the overall facts and circumstances of the case, this Court is of the opinion that learned counsel for the petitioners succeed in making out a case for grant of regular bail. Accordingly, both the petitions are allowed. Petitioners are ordered to be released on bail on their 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.

14.10.2025
ps-I

(**RAJESH BHARDWAJ**)
JUDGE

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