



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

**CRM-M No.14395 of 2025
Date of decision: 21.08.2025**

Pardeep Singh

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Ajay Kumar Chaudhary, Advocate
for the petitioner.

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

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.0125, dated 12.03.2024, under Sections 15, 18 of NDPS Act, registered at Police Station Thanesar Sadar, District Kurukshetra.

2. Succinctly, the facts of the present case are that the police party, while on patrolling on 12.03.2024, received a secret information to the effect that Mandeep Singh, Pardeep Singh (petitioner) and Gurparkash were travelling in truck bearing registration No.PB-32-P-2565 from Kolkata. It was informed that while coming they were bringing opium and poppy husk in large quantities for selling the same in State of Punjab and in case of barricading, they could be arrested along with the contraband. On finding the information reliable, a raiding team was constituted and barricading was laid at the place as disclosed by the informer. A truck, as disclosed, was seen coming, which was stopped. Three persons were found travelling in the truck and on asking, they disclosed their names to be Mandeep Singh, Pardeep



Singh (petitioner) and Gurprakash. They were suspected to be carrying some contraband in the truck and thus, they were given offer for the search. On conducting the search of the truck, three polythene bags were recovered underneath the cleaner's seat. From one bag, around 1 Kg 188 grams of poppy husk and from two other polythene bags, 2 Kgs 600 grams of opium were recovered. All these persons failed to produce any licence regarding the conscious possession of the same and thus, FIR was registered and all were arrested on the spot. On registration of the FIR, the investigation commenced. Samples taken were sent to the FSL. On receiving the FSL report, the challan was presented. The petitioner approached the learned Judge, Special Court, Kurukshetra for grant of bail. However, after hearing both the sides and finding no merit in the same, the learned Judge, Special Court, Kurukshetra declined the bail application filed by the petitioner vide order dated 12.09.2024. Hence being aggrieved, the petitioner is before this Court praying for the grant of bail by way of filing the present petition.

3. Learned counsel for the petitioner has vehemently contended that the petitioner has been falsely implicated in this case. 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, Mandeep Singh @ Deep. He has drawn the attention of this Court to the order dated 08.08.2024 whereby, co-accused, namely, Mandeep Singh @ Deep, has been granted regular bail by this Court. He has submitted that the case of the petitioner is at par with the said co-accused. He submits that the petitioner is in custody since the date of his arrest. He submits 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 State Counsel, has opposed the submissions made by learned counsel for the petitioner. He submits that the petitioner was duly named in the secret information. He submits that the recovery effected from the petitioner and the co-accused weighs 2 Kgs 600 grams of opium and 1 Kg 188 grams of Poppy Husk, which is a commercial quantity and thus the provisions of Section 37 of the NDPS Act are attracted. However, she 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, Mandeep Singh @ Deep. She has produced custody certificate of the petitioner today in the Court and the same is taken on record.

5. Heard.

6. On hearing learned counsel for the parties and perusing the record, it is deciphered that FIR was registered on the basis of secret information. The recovery has been effected from the truck, where three polythene bags were found underneath the seat of the cleaner. From one polythene bag, 1 Kg 188 grams of poppy husk and from two other polythene bags, 2 Kgs 600 grams of opium were recovered. As per the Schedule, the opium weighing more than 2.5 kg falls under the commercial quantity. The custody certificate shows that the petitioner has suffered incarceration of 01 year, 05 months and 08 days as on 20.08.2025. It further reflects that the petitioner has no criminal antecedents. Admittedly, co-accused, namely, Mandeep Singh @ Deep has been granted regular bail by this Court vide



orders dated 08.08.2024 passed in **CRM-M-41788-2025** and the case of the petitioner is at par with that of co-accused.

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. This Court would refrain itself from commenting anything on the merits of the case.

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

21.08.2025

ps-I

(RAJESH BHARDWAJ)
JUDGE

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