



CRM-M-53794-2025

-1-

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

CRM-M-53794-2025

Date of Decision: 26.09.2025

Ram Gopal

..... Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Ravinder Malik, 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.54 dated 18.03.2024 under Sections 15(C), 27(A), 29/61/85 of NDPS Act, 1985 and Sections 201 and 474 IPC, registered at Police Station Uchana, 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. Two 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 15.05.2025. 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 25.08.2025. 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, at the outset, prays for the grant of bail to the petitioner on the basis of parity with that of the co-accused, namely, Chhotu Lal and Devendra Kumar Meena @ Devender Kumar Meena. He submits that the petitioner has implicated in the present case on the basis of disclosure statement of the co-accused, which is not an admissible evidence. He has drawn the attention of this Court to the orders dated 18.02.2025 and 31.07.2025 passed in **CRM-M-29845-2024** and **CRM-M-34513-2025**, whereby, co-accused Chhotu Lal and Devendra Kumar Meena @ Devender Kumar Meena have been granted regular bail by



this Court. He submits that the petitioner is in custody since 15.05.2025. 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. 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, Chhotu Lal and Devendra Kumar Meena @ Devender Kumar Meena. On instructions from PSI Sandeep Kumar, she has submitted that charges have been framed and out of total 46 prosecution witnesses, no witness has 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 15.05.2025. Co-accused, namely, Chhotu Lal and Devendra Kumar Meena @ Devender Kumar Meena are on bail and the case of the petitioner as stated is at par with them. Custody certificate of the petitioner shows that the petitioner has suffered incarceration of 04 months & 10 days as on 24.09.2025. It further reflects that the petitioner has no criminal antecedents.

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.

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.’*

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



CRM-M-53794-2025

-5-

petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate.

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

26.09.2025
sharmila

(RAJESH BHARDWAJ)
JUDGE

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