



2026:PHHC:047467

CRM-M No.71519 of 2025

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129

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

**CRM-M No.71519 of 2025
Date of Decision: 25.03.2026**

Gaurav Narula @ Gourav Narula

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Deepak Kohli, Advocate
for the petitioner.

Ms. Diya Sodhi, Sr. DAG, Haryana.

RAJESH BHARDWAJ, J. (ORAL)

1. Present second petition has been filed praying for the grant of regular bail to the petitioner in case bearing FIR No.354, dated 11.10.2024, under Sections 22(C) & 29 of NDPS Act, registered at Police Station Ambala City, District Ambala, Haryana.

2. Succinctly, the facts of the case are that the police party while on patrolling on 11.10.2024, received a secret information to the effect that Balwant Singh was involved in the business of selling of narcotics substance. It was informed that Balwant Singh was going towards Jandli from his house via Jagadhari Gate, Ambala City to sell the narcotics substance to his customers and in case of barricading, he could be apprehended along with the contraband. On receiving the secret information, the barricading was laid at the place as disclosed in the secret



information. At about 09:20 P.M., one person riding on the motorcycle was seen coming from the side of Jagadhari gate, who on seeing the police, got perplexed and tried to turn his motorcycle back, however, with the help of the police officials, he was apprehended. A black backpack bag was seen hanging on the back of the said person. On asking, he disclosed his name to be Balwant Singh @ Prince. He was suspected to be carrying some contraband in the backpack bag and thus, search of the same was conducted. On conducting the search of the backpack bag, 129 strips of capsules make Parvion Spas Plus, each strip contains 8/8 capsules, total 1032 capsules and 110 strips which contains 15/15 tablets, total 1650 tablets make Alprazolam were recovered. He failed to produce any licence regarding the conscious possession of the same, thus, the FIR was registered and he was arrested on the spot. On registration of the FIR, the investigation commenced. The samples taken were sent to the FSL. On receipt of the FSL report, the contraband found to be weighing 777 grams of Tramadol and 312 grams of Alprazolam. On completion of the investigation, the challan was presented and on framing of charges, the trial commenced. During the investigation, complicity of the petitioner, namely, Gaurav Narula @ Gourav Narula, surfaced as he was the supplier of the contraband and thus, he was arrayed as an accused in the present case. Resultantly, the petitioner was arrested in the present case on 16.11.2024. The petitioner approached the Court of learned Additional District & Sessions Judge, Fast Track Special Court for trial of offences under NDPS Act, Ambala praying for the grant of regular bail. However, after hearing both the sides and finding no merit in the same, the learned Additional District & Sessions Judge, Fast Track Special Court for trial of offences



under NDPS Act, Ambala declined the bail application filed by the petitioner vide order dated 30.07.2025. Being aggrieved, the petitioner earlier approached this Court praying for the grant of regular bail by way of filing CRM-M-48598-2025, however the same was dismissed as not pressed vide order dated 05.09.2025. Hence being aggrieved, the petitioner is again before this Court praying for the grant of regular bail by way of filing the present second petition.

3. Learned counsel for the petitioner has submitted that the petitioner has been falsely implicated in the present case. He has submitted that the petitioner was admittedly behind bars on the date of alleged occurrence, i.e. 11.10.2024 in FIR No.326, dated 08.09.2024, under Sections 22-61 of NDPS Act. He has submitted that as per the case of the prosecution, the recovery in the present case of 1032 capsules of Tramadol and 1650 tablets of Alprazolam has been effected from the co-accused, namely, Balwant Singh on the basis of the secret information. He has submitted that the petitioner was neither named in the secret information nor any recovery has been effected from him, however, during the investigation, he has been implicated in the present case on the basis of disclosure statement of co-accused, namely, Balwant Singh, from whom the recovery of contraband has been effected. He has submitted that admittedly the petitioner was already behind bars and thus, there was no occasion to the petitioner to supply the contraband as alleged against him. He has submitted that even otherwise, the disclosure statement of co-accused, namely, Balwant Singh, is not even an admissible evidence. He has submitted that the petitioner is behind bars in the present case from last more than 1 year, however, there is no material progress in the trial. He has



submitted that in the facts and circumstances, the petitioner deserves to be granted regular bail.

4. *Per contra*, learned counsel for the State has vehemently opposed the submissions made by learned counsel for the petitioner. He has submitted that complicity of the petitioner has duly surfaced during the investigation. She has submitted that from the call detail records on 01.07.2024, the petitioner was found to be in association with co-accused, namely, Ankit Pawar. She has submitted that the petitioner is involved in one more case under the NDPS Act, which pertains to the commercial quantity. She has further submitted that the recovery of 777 grams of Tramadol and 312 grams of Alprazolam effected in the present case from the co-accused, Balwant Singh, is commercial in nature and thus, the provisions of Section 37 of NDPS Act are attracted. She, on instructions, has submitted that out of total 23 prosecution witnesses, 02 witnesses have been examined so far. She has produced custody certificate of the petitioner today in the Court, which is taken on record.

5. Heard.

6. On hearing learned counsel for the parties and perusing the record, it is deciphered that the recovery in the present case from the co-accused, namely, Balwant Singh was effected on 11.10.2024. The petitioner was arrayed as an accused in the present case during the investigation on the basis of disclosure statement of co-accused. Admittedly the petitioner was behind bars on the date of alleged occurrence in FIR No.326, dated 08.09.2024. Only 02 witnesses, out of total 23 prosecution witnesses have been examined till date. Custody certificate produced would show that the petitioner has suffered an incarceration of 01 year, 04 months and 09 days



as on 24.03.2026. It further reflects that the petitioner is involved in one more case.

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

10. 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. However, if the petitioner does not furnish the bail bonds within seven days from today, then his further custody period after one week will not be counted in this case.

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

(RAJESH BHARDWAJ)
JUDGE

25.03.2026

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Whether speaking/reasoned
Whether reportable

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:

Yes/No
Yes/No