



CRM-M-961-2025

-1-

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

213

CRM-M-961-2025

Date of decision: 27th October, 2025

Gulzar

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Sahil Goel, Advocate for the petitioner.
Ms. Himani Arora, Deputy Advocate General, Haryana.

MANISHA BATRA, J (ORAL):-

The present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') by the petitioner seeking grant of regular bail in case bearing FIR No. 775 dated 13.08.2024 registered under Sections 21-C and 29 of Narcotic Drugs and Psychotropic Substance Act, 1985 (for short '*NDPS Act*') at Police Station City Yamuna Nagar, District Yamuna Nagar.

2. As per the allegations, on 13.08.2024, the petitioner was apprehended and 260 grams of heroin was recovered from his conscious possession. He suffered disclosure statement as per which, the contraband had been purchased by him from one Jahangir.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in the present case and a false recovery has been planted upon him. He is in custody since long and the trial will take considerable time to conclude. His further incarceration would not serve any useful purpose. He is on bail in other cases registered against him. Hence, it is urged that he deserves the concession of bail.



4. *Per contra*, learned State counsel has submitted that keeping in view the gravity of the allegations levelled against the petitioner, he does not deserve to be released on bail. Therefore, it is urged that the petition does not deserve to be allowed.

5. This Court has heard learned counsel for the parties at considerable length.

6. It is well-settled law that the Court, while considering an application for grant of bail, has to keep certain factors in mind such as whether there is a prima facie case or reasonable ground to believe that the accused has committed the offence, circumstances which are peculiar to the accused, likelihood of the offence being repeated, the nature and gravity of the accusation, severity of the punishment in the event of conviction, the danger of the accused absconding or fleeing if released on bail, and reasonable apprehension of the witnesses being threatened, etc. However, at the same time, the period of incarceration is also a relevant factor to be considered while deciding whether bail should be granted to an accused charged with an offence under the provisions of the NDPS Act. The twin conditions under Section 37 of the NDPS Act are to be satisfied. The rigors of Section 37 of the NDPS Act are attracted in this case as the accusations pertain to the recovery of commercial quantity of contraband from the petitioner. He has been in custody since 13.08.2024. The trial will take time as prosecution witnesses are yet to be examined. The petitioner is also stated to be involved in one more case of similar nature and two other cases under the provisions of the Arms Act and the IPC respectively. However, he cannot be denied the benefit of bail merely on account of his involvement in other cases. No prosecution witness has been examined so far. Trial will



obviously take time to conclude. Continued detention of the petitioner would not serve any fruitful purpose. The well settled principle of law is that detention prior to trial should not become punitive. Obviously, the petitioner is not required for further investigation. Grant of bail on account of prolonged incarceration and on account of delay in trial cannot be said to be fettered under Section 37 of the NDPS Act. Keeping in view the above-discussed facts, this Court is of the opinion that a case for grant of regular bail to the petitioner is made out. Resultantly, the present petition is allowed. The petitioner is ordered to be released on bail, subject to his furnishing personal/surety bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.

7. It is, however, clarified that the observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

8. Since the main petition has been allowed, pending application, if any, is rendered infructuous.

[MANISHA BATRA]
JUDGE

27th October, 2025

Parveen Sharma

1. Whether speaking/ reasoned	:	Yes / No
2. Whether reportable	:	Yes / No