



226 (1)

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

**CRM-M-1227-2025****Date of Decision: 07.07.2025**

SHOKEEN

...PETITIONER

VS.

STATE OF HARYANA

...RESPONDENT

**Coram : Hon'ble Mr. Justice N.S.Shekhawat**

Present : Mr. Mohammad Arshad, Advocate  
for the petitioner.

Mr. Rajiv Sidhu, DAG, Haryana.

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**N.S.Shekhawat J. (Oral)**

1. The petitioner has filed the third petition under Section 483 of BNSS, 2023 with a prayer to grant regular bail to him in case FIR No.133 dated 02.09.2022, registered under Sections 20/61/85 NDPS Act 1985 (for the offence added later under Sections 420/467/468/471/259/260/263 of IPC 1860), Police Station Bahin, District Palwal.

2. As per case of the prosecution, there had been a recovery of 304 kg ganga from the present petitioner, which falls under the category of “commercial quantity”.

3. Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. Learned counsel for the petitioner submits that the petitioner was arrested in the present case on 02.09.2022 and is in custody for the last more than 02 years and 09 months, whereas the



prosecution has only able to examine 04 witnesses out of total 26 witnesses. Thus, the long period of custody serves as a fresh ground for filing the present petition before this Court. Learned counsel for the petitioner has relied upon the law laid down by the Hon'ble Supreme Court in the matter of SLP No. 6690 of 2022, titled as **“Dheeraj Kumar Shukla Vs. State of Uttar Pradesh”**, in which the Hon'ble Supreme Court held as follows:-

*“2. The allegations are that on a secret information, the police authorities intercepted two vehicles on 23.06.2020 i.e. one 'Gray' coloured 'Honda City' car and the second 'White' coloured ' Swift Dzire' car. On an interrogation at the spot, Praveen Maurya @ Puneet Maurya, Rishab Kumar Maurya and Dheeraj Kumar Shukla were found to be occupants of the 'Honda City' car whereas the petitioner was driving the 'Swift Dzire' car. On taking a search, more than 92 kgs. Ganja was allegedly recovered from 'Honda City' car where as more than 65 kgs. Ganja was recovered from 'Swift Dzire' Car. The accused were arrested at the spot. The petitioner is, thus, in custody since 24.06.2020.*

*3. It appears that some of the occupants of the 'Honda City' Car including Praveen Maurya @ Puneet Maurya have since been released on regular bail. It is true that the quantity recovered from the petitioner is commercial in nature and the provisions of Section 37 of the Act may ordinarily be attracted. However, in the absence of criminal antecedents and the fact that the petitioner is in custody for the last two and a half years, we are satisfied that the conditions of Section 37 of the Act can be dispensed with at this stage, more so when the trial is yet to commence though the charges have been framed.*

*4. For the reasons stated above but without expressing any views on the merits of the case, the petitioner is directed to be released on bail subject to his furnishing bail bonds to the satisfaction of the trial Court.”*



4. On the other hand, learned State counsel has vehemently opposed the prayer made by learned counsel for the petitioner on the ground that serious and specific allegations have been levelled against the present petitioner and he does not deserve the concession of bail. However, he admits that the petitioner is not involved in any other case.

5. I have heard the learned counsel for the parties and perused the record carefully.

6. From the record, it is evident that the petitioner was arrested in the present case on 02.09.2022 and is in custody for the last about 02 years and 09 months. Apart from that, the prosecution has been able to examine only 04 witnesses out of total 26 witnesses and the conclusion of the trial may take quite a long time. Thus, further custody of the petitioner will not serve any meaningful purpose.

7. Consequently, keeping in view the above stated facts and the law laid down by the Hon'ble Supreme Court in the matter of ***Dheeraj Kumar Shukla's case (Supra)***, the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/ Duty Magistrate/Chief Judicial Magistrate

**07.07.2025**  
*vipin*

**(N.S. SHEKHAWAT)**  
**JUDGE**

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