



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(217)

CRM-M-2490-2025

DATE OF DECISION: 03.12.2025

Jaswant @ Jashvant

.....Petitioner

VERSUS

State of Haryana

.....Respondent

CORAM HON'BLE MR. JUSTICE SUBHAS MEHLA

Present Mr.Ashish Gupta, Advocate, for the petitioner.

Mr.Aditya Pal Singla, AAG, Haryana.

SUBHAS MEHLA, J (ORAL)

1. By way of the present petition, the petitioner is seeking regular bail in FIR No.854 dated 16.11.2023 (Annexure P-1), under Sections 21(c), 27-A and 29 of NDPS Act, 1885 and Section 201 of IPC registered at Police Station City Rohtak, District Rohtak.

2. Learned counsel for the petitioner contended that except the disclosure statement of co-accused Musrat Ali, no other evidence regarding his complicity in the present offence is available; co-accused Musrat Ali has already been granted concession of regular bail by a Co-ordinate Bench of this Court vide order dated 29.05.2024, passed in CRM-M-10524-2024; present petitioner is in custody since 23.01.2024 i.e for the last more than one year and ten months; out of twenty one prosecution witnesses none has been examined so far and there is no apprehension that he will tamper with the prosecution evidence if released on bail as the witnesses are police officials. Hence prayed for grant of regular bail to the petitioner.



3. On the other hand, Custody Certificate on behalf of petitioner filed by learned State counsel in Court today is taken on record. As per custody certificate, the present petitioner is in custody for the last more than one year and ten months.

4. Learned State counsel, on instructions from ASI Rajesh Kumar, opposed the contention of the learned counsel for the petitioner and submitted that petitioner is also involved in another case of NDPS Act.

5. Heard.

6. Keeping in view the facts and circumstances of the present case as the present petitioner is nominated in this case on the basis of disclosure statement of co-accused Musrat Ali, who was nominated by the co-accused Naeem from whose possession 550 gms of heroin has been recovered; co-accused Musrat Ali, who is on similar footings as the present petitioner, has been released on bail by a Co-ordinate Bench of this Court; except the disclosure statement there is no material regarding his complicity in the offence; till date no prosecution witness has been examined; trial will take sufficient time to conclude and no fruitful purpose would be served by keeping him in custody for any further period, as concession of bail cannot be denied just as measure of punishment as culpability of the accused will be decided at the final stage by the trial Court after appreciating the evidences adduced by both sides and it is trite principle of criminal jurisprudence that bail is rule, jail is an exception, this Court deems it a fit case to grant the concession of regular bail to the petitioner.

7. Therefore, without expressing any opinion on the merits of the case, the instant petition is allowed. The petitioner is ordered to be released

on regular bail on his furnishing requisite bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate concerned.

8. Nothing observed hereinabove shall be construed to be an expression of an opinion by this Court on merits of the case. The learned Court below is directed to proceed with the matter on its own merits, lest it may prejudice the trial.

03.12.2025
mamta

(SUBHAS MEHLA)
JUDGE

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