

2025:PHHC:063246



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

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CRM-M-3554-2025 (O&M)

Date of decision: May 12, 2025

SUMIT

...Petitioner

Versus

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Davneet Sangwan, Advocate
for the petitioner.

Mr. Rajat Gautam, Addl. A.G., Haryana.

MANJARI NEHRU KAUL, J.

1. The instant petition has been filed under Section 439 of the Cr.P.C. for grant of regular bail to the petitioner in case FIR No.415 dated 21.08.2023 under Sections 22(C), 29 of the NDPS Act, registered at Police Station Sadar Yamuna Nagar, District Yamuna Nagar.

2. Learned counsel for the petitioner has vehemently argued that the petitioner has been in custody since 21.08.2023. It is contended that though charges were framed in April 2024, the progress of the trial before the learned trial Court has been extremely sluggish. Learned counsel, while drawing the attention of this Court to the *zimni* orders, annexed along with the file, has submitted that a perusal of the same reveals that repeated adjournments have been necessitated due to the non-appearance of the prosecution witnesses, most of whom in the present case, are police officials. It is urged that the delay in trial cannot be attributed to the petitioner and his further incarceration would, therefore, serve no useful purpose and would amount to pre-trial punishment.



3. It has also been submitted by learned counsel for the petitioner that the petitioner has been falsely implicated, and that the alleged recovery of contraband is planted, moreso when he has no previous criminal antecedents.

4. *Per contra*, learned State counsel, while opposing the prayer and submissions made by the counsel opposite, has submitted, on instructions, that the petitioner was apprehended following secret information indicating his involvement in drug trafficking activities. Pursuant to the receipt of such information, and after the due compliance of the mandatory provisions of the NDPS Act, a huge recovery was effected from the petitioner, comprising 1272 capsules of Tramadol, weighing approximately 725 grams. Learned State counsel has emphasized that this quantity is several times the threshold for 'commercial quantity' under the NDPS Act, thereby attracting stringent conditions and the limitation on the grant of bail to the petitioner.

5. It has been further contended by the learned State counsel that the allegations of false implication are baseless, particularly in light of the fact that all procedural documents, prepared at the spot, bear signatures of the petitioner. It has been further urged that there is no merit in the assertions of the petitioner that the recovery was planted upon him.

6. With regard to the progress of the trial, it is submitted, on instructions, that out of 26 prosecution witnesses, 3 have already been examined. Next date fixed before the learned trial Court is 21.05.2025, and it



would be ensured that the prosecution witnesses come present on every subsequent date of hearing and testify before the learned trial Court. It has been further stated by the learned State counsel, on instructions, that once the material witnesses are examined, the remaining witnesses, being formal in nature, will not take much time, and the trial, therefore, is likely to conclude expeditiously.

7. I have heard learned counsel for the parties and perused the relevant material placed on record.

8. There is no dispute that the petitioner has been in custody since 21.08.2023. While delay in proceedings before the learned trial Court is a relevant consideration, however, the gravity and seriousness of the allegations in the present case cannot be ignored.

9. The recovery effected from the petitioner, as per the prosecution, is of a substantial quantity of 1272 capsules of Tramadol, weighing 725 grams, which falls within the ambit of 'commercial quantity' as defined under the NDPS Act. The bar on granting bail under sEction 37 of the NDPS act becomes operative once the recovery is of 'commercial quantity'.

10. In view of the seriousness of the allegations, the quantum of contraband recovered, and the mandate of Section 37 of the NDPS Act, this Court, therefore, is not inclined to extend the concession of regular bail to the petitioner.

11. Accordingly, the instant petition stands dismissed.



12. It is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

13. However, it is directed that the learned trial Court shall make earnest efforts to ensure that the trial is concluded at the earliest and without undue delay. The prosecution shall also ensure the presence of its witnesses on each and every date of hearing to avoid further adjournments.

May 12, 2025
Jaspreet Kaur

(MANJARI NEHRU KAUL)
JUDGE

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