



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

CRM-M-5624-2025
Date of decision: 05.02.2025

Pardeep ...Petitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Ms. Gagandeep Kaur, Advocate for the petitioner.

Mr. Karan Garg, AAG, Haryana.

KARAMJIT SINGH, J. (ORAL)

1. The present petition has been filed by the petitioner under Section 483 of BNSS 2023 seeking grant of regular bail to the petitioner in case having FIR No.233 dated 29.06.2023, under Sections 20 & 29 of NDPS Act, at Police Station Sadar Jhajjar, District Jhajjar.
2. The allegations in nutshell are that on 29.06.2023, police apprehended one Alto car No.HR-21-P-9956 driven by co-accused Parveen @ Sudarshan and the present petitioner was sitting along side the driver. On checking of said car, police recovered 2.5 kg of *charas* from under neath the driver seat.
3. The counsel for the petitioner *inter alia* submits that the petitioner is falsely implicated in the present case and has nothing to do with the aforesaid *charas* weighing 2.5 kg. It is further submitted that otherwise also the petitioner is incarcerated for last more than 1 year and 6 months and is having no criminal history and it will take time for the trial to



conclude and co-accused Parveen @ Sudarshan who was stated to be driving the car is already enlarged on bail by the co-ordinate Bench of this Court vide order dated 12.12.2024 Annexure P-3. It is further submitted that any more detention of the petitioner in judicial custody is not going to serve any purpose.

4. The present petition is resisted by the State counsel who submits that in the instant case, commercial quantity of *charas* was recovered from a car, in which the present petitioner was travelling and the said car was driven by co-accused Parveen @ Sudarshan. It is further submitted that rigors of Section 37 of NDPS Act are applicable to the instant case and the trial is going on. However, the State counsel on instructions from ASI Shakti has not disputed the fact that petitioner is behind bars for last more than 1 year and 6 months and is having no criminal antecedents. It is also brought to the notice of the Court that till date, prosecution is able to examine only 3 witnesses out of total 21 witnesses. The State counsel has not refuted the fact that co-accused Parveen @ Sudarshan was given benefit of regular bail vide order Annexure P-3 dated 12.12.2024.

5. I have considered the submissions made by counsel for the parties.

6. The case is relating to recovery of 2.5 kg of *charas* from the car which was driven by co-accused Parveen @ Sudarshan and the present petitioner was sitting along side the driver. Undoubtedly, the stringent provision of Section 37 of NDPS Act are attracted to the instant case. As per the custody certificate, the petitioner is incarcerated for a period of 1 year



and 6 months and is not involved in any other criminal case. As has been admitted by the State counsel, 18 more witnesses are still to be examined on behalf of prosecution and thus, it will take time for the trial to conclude. There is nothing on the record to show that the petitioner is responsible for delay in trial proceedings. Co-accused Parveen @ Sudarshan is enlarged on bail vide order Annexure P-3 dated 12.12.2024. In the given circumstances, further detention of the petitioner in judicial custody would amount to serious infringement of fundamental right of the petitioner to speedy trial and this also amounts to dilution of the rigors of Section 37 NDPS Act. Thus, the present petition for grant of regular bail deserves to be allowed.

7. In view of the above, without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on regular bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

05.02.2025

Yogesh

(KARAMJIT SINGH)
JUDGE

Whether speaking/reasoned:-

Yes/No

Whether reportable:-

Yes/No