

2025:PHHC:165694



216 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-6745-2025
Date of Decision: 28.11.2025

Mahesh Pal ...Petitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MS. JUSTICE AARADHNA SAWHNEY

Present: Mr. Rajat Khanna, Advocate
for the petitioner.

Mr. Vishal Singh, AAG, Haryana.

AARADHNA SAWHNEY, J. (ORAL)

1. Petitioner, co-accused in case FIR No.286 dated 05.06.2024 registered against him, under Sections 15(c), 61, 85 of the NDPS Act, 1985, at Police Station Sadar Thanersar, District Kurukshetra, has filed the present petition for grant of bail under Section 483 of BNSS.

2. Learned counsel for the petitioner submits that the petitioner, who has no previous criminal antecedents, has been falsely implicated in the present case on 05.06.2024 for allegedly transporting 60 kgs of poppy husk stocked in Balero Canter along with other co-accused. The said vehicle is registered in the name of co-accused Harbans. Learned counsel contends that petitioner has been made a scapegoat. The next line of submission raised by learned counsel is that challan was filed long ago on 10.10.2024, after framing of charge, no PW has been examined. Thus, when appreciated in the light of the submission advanced hereinabove, further incarceration of the petitioner would not serve

any useful purpose for the likelihood of completion of trial in the near future is quite remote.

3. *Per contra*, learned State counsel while opposing the prayer and submissions made by the counsel opposite, has not disputed the custody period of the petitioner nor has he disputed that petitioner has no previous criminal antecedents. However, it has been asserted by the learned State counsel that a secret information was received qua all the accused including the petitioner that they were travelling together in a Balero Canter in which 60 kgs of poppy husk was being transported. Learned counsel further admits that the vehicle in question was not registered in the name of present petitioner.

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

5. The alleged recovery effected from the vehicle in which petitioner and other accused were travelling, is 60 Kgs. of poppy husk, which is marginally higher than the minimum classified as 'commercial' under the NDPS Act. The petitioner is not stated to be involved in any criminal case, much less under the NDPS Act. Since as many as 14 prosecution witnesses have been cited, none of whom have been examined, thus likelihood of completion of trial in the near future is quite remote, lenient view is taken in favour of the petitioner by extending him concession of bail, for his further incarceration would not only be violative of his rights under Article 21 of the Constitution of India, including right to speedy trial but would also be against the principle of "*Bail is a general rule and incarceration is an exception*" as held by Hon'ble Supreme Court in ***Dataram vs. State of Uttar Pradesh and another, 2018(2) R.C.R. (Criminal) 131.***

Resultantly, petitioner is granted the concession of bail subject to his

furnishing bail/surety bonds to the satisfaction of learned trial Court/Duty Magistrate concerned. The petitioner shall abide by the following conditions:-

- (i) *The petitioner will surrender his passport and will not leave the country without prior permission of the trial Court.*
- (ii) *The petitioner will not tamper with the evidence during the trial.*
- (iii) *The petitioner will not pressurize/intimidate the prosecution witnesses.*
- (iv) *The petitioner will appear before the trial Court on each and every date fixed, unless is exempted by a specific order of Court.*
- (v) *The petitioner shall not commit an offence similar to the offence of which, he is an accused, or for commission of which he is suspected of.*
- (vi) *The petitioner shall not directly or indirectly coerce, induce, threaten or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer or tamper with the evidence in any manner.*
- (vii) *The petitioner shall not in any manner misuse his liberty.*
- (viii) *The petitioner shall furnish his address and mobile number to the Trial Court forthwith and shall not change the same till the conclusion of the trial and in case for any reason, the petitioner seeks to change any of the aforesaid, the same shall be done only with prior intimation to the learned Trial Court, stating the reason for the same.*
- (ix) *The trial Court/Duty Magistrate may impose any other condition, as deemed appropriate while releasing the petitioner.*

Accordingly, the present petition is allowed and it is made clear that in case there is any breach of the aforesaid conditions, the State shall be at liberty to seek cancellation of bail as granted to the petitioner by this order.

In view of the above, it is clarified that the observations made herein are limited for the purpose of present proceedings and would not be construed as an opinion on the merits of the case and the trial would proceed independently of the aforesaid observations.

28.11.2025
Parveen kumar

(AARADHNA SAWHNEY)
JUDGE

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