



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

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CRM-M-11135 of 2025 (O&M)

Date of decision : 02.04.2025

Dharamendra Muthamajhi

... Petitioner

Versus

State of Haryana

.. Respondent

CORAM :HON'BLE MR. JUSTICE H.S. GREWAL

Present:- Mr. Anil Kumar Malik, Advocate for the petitioner.

Mr. Parveen Kumar Aggarwal, DAG, Haryana.

H.S. Grewal, J.

The petitioner is seeking regular bail under Section 483 Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS) in FIR No.676 dated 28.08.2024 under Section 20(c) of the Narcotics Drugs and Psychotropic Substances Act, 1985, registered at Police Station Shahabad, District Kurukshetra, Haryana.

2. Learned counsel for the petitioner contends that the petitioner was not named in the FIR nor was he apprehended at the spot. The name of the petitioner has come up in the disclosure statement of the accused namely Sadhu Singh who was found in possession of 28 kgs of ganja. However, on the very next day, another FIR bearing No.679 dated 29.08.2024 wherein again on disclosure statement of one accused namely, Pujari, the name of the petitioner had come up as an accused in the said FIR. In that case, 32 kg of ganja was recovered from the said Pujari. It is further averred that the disclosure statement was made before the police, moreover, there is no recovery from the present petitioner and there is no direct evidence apart from the statement of co-accused namely, Sadhu Singh, therefore, there is no cogent evidence against the petitioner.

3. On the other hand, learned counsel for the State vehemently opposes the grant of concession of regular bail while pointing out that it is a case of recovery



falling in commercial quantity. He has placed a copy of custody certificate dated 31.03.2025 which is taken on record.

5. I have heard learned counsel for the parties and have gone through the paper book.

6. In view of the submissions of the learned counsel for the petitioner, especially when the prosecution's case relies solely on the disclosure statement of a co-accused, and there is no other incriminating evidence against the accused-petitioner, also further, keeping in view the facts and circumstances of the present case and that the trial is yet to commence since the challan in the present case has been filed on 10.01.2025 and further the petitioner is in custody for a period of more than 06 months, the conclusion of the trial is likely to take some time, I deem 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 concerned. The pending applications, if any, also stand disposed of.

02nd April, 2025

Sonia Puri

**(H.S. GREWAL)
JUDGE**

Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No