



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

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CRM-M-11525 of 2025 (O&M)

Date of decision : 29.04.2025

Anish and Another

... Petitioners

Versus

State of Haryana

.. Respondent

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

Present:- Mr. Vinod Ghai, Senior Advocate with
Mr. Arnav Ghai, Advocate and
Mr. Dhruv Trehan, Advocate for the petitioners.

Mr. Parveen Kumar Aggarwal, DAG, Haryana with ASI Somvir.

H.S. Grewal, J. (Oral)

This is a petition for regular bail filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS) in case bearing FIR No.241 dated 12.07.2024 under Sections 20(b)(ii)(C) of NDPS Act and Section 3(5) of Bharatiya Nyaya Sanhita (BNS), 2023 registered at Police Station Sohana, District Gurugram.

2. The case of the prosecution is that on secret information, on 12.07.2024, two vehicles were apprehended at the spot. There was a recovery of 97 KGs of *ganja* from one vehicle however, no recovery was effected from the vehicle in which the petitioners were travelling. It is further the case of the prosecution that secret information was *qua* the accused and the vehicle driven by the present petitioner was owned by Sahil Ahmed, the co-accused who was apprehended alongwith the contraband. Apart from the fact that the vehicle was owned by the said co-accused and the fact that there was secret information, no other evidence is on record to prove that the petitioners were in conscious possession of the contraband recovered from the other car.

3. Learned counsel for the petitioner contends that the petitioners have



undergone actual custody period of more than 09 months. He further contends that the trial has yet not commenced and out of 20 witnesses, none has been examined so far, despite bailable warrants having been issued to secure their presence.

4. Notice of motion.

5. Mr. Parveen Kumar Aggarwal, DAG, Haryana, accepts notice on behalf of the respondent-State. He vehemently opposes the grant of concession of regular bail by way of filing custody certificate dated 28.04.2025, however, does not refute the fact that out of 20 witnesses, none has been examined so far.

6. I have heard learned counsel for the parties and have gone through the material placed on record.

7. Keeping in view the facts and circumstances of the present case, and the fact that the petitioner is in custody for a period of 09 months and 17 days, no witness out of total 20 Prosecution Witnesses (PWs), has been examined so far. Since the conclusion of trial is likely to take some time, I deem it a fit case to grant the concession of regular bail to the petitioners.

8. Therefore, without expressing any opinion on the merits of the case, the instant petition is allowed. The petitioners are ordered to be released on regular bail on their furnishing requisite bonds to the satisfaction of the Trial Court/Duty Magistrate concerned. The pending applications, if any, also stand disposed of.

29th April, 2025

Sonia Puri

(H.S. GREWAL)
JUDGE

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