



**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**
225

CRM-M-15245-2025
Date of decision: 30.07.2025

Dhyan Singh
.....Petitioner

vs.

State of Haryana
.....Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Gursimranjit Singh, Advocate
for the petitioner.

Mr. Neeraj Sheoran, Sr. DAG, Haryana.

HARPREET SINGH BRAR J. (Oral)

1. Prayer in this petition filed under Section 483 of the BNSS, 2023, is for grant of regular bail to the petitioner in FIR No.129 dated 24.04.2024 registered under Section 20 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (in short 'the NDPS Act') at Police Station Naraingarh, District Ambala.
2. As per the prosecution case, on 24.04.2024, ASI Jarnail Singh received a secret information during patrolling near Raipur Rani Chowk, Naraingarh, that Dhyan Singh (petitioner herein) was involved in selling intoxicants and he would be arriving at the Kohra village bus stand to supply Charas. A Naka was laid down and the accused was apprehended while carrying a bag and upon his search, 1 kg and 18 grams of Charas was recovered without any permit or license. Consequently, the present FIR was registered.



3. Learned counsel for the petitioner *inter alia* contends that the petitioner has been falsely implicated in the FIR (supra). The alleged recovery of 1.18 kgs of Charas is marginally higher than the commercial quantity. The entire recovery was taken into possession vide recovery memo along with the plastic bag and weighed collectively and in case, the weight of the plastic bag is deducted from the alleged contraband, then the recovery would fall under the ambit of non-commercial quantity. He further submits that the alleged recovery is only 18 grams higher than the non-commercial quantity. The petitioner has undergone total custody of 01 year, 03 months and 02 days.

4. Learned counsel for the petitioner further submits that there are total 17 prosecution witnesses cited in the list of witnesses, out of which, not even a single prosecution witness has been examined till date and the trial is likely to take long time in conclusion.

5. *Per contra*, learned State counsel has filed custody certificate today in the Court which is taken on record and he opposes the prayer made by learned counsel for the petitioner on the ground that commercial quantity of contraband was recovered from the petitioner, which falls within the ambit of commercial quantity and the petitioner is involved in one more case and as such, he is not entitled for any relief, however, he could not controvert the fact that the petitioner no PW has been examined till date.

6. Having heard learned counsel for the parties and after perusing the record of the case, it transpires that the petitioner is behind



the bars from the last 01 year, 03 months and 02 days. Investigation is complete. The final report under Section 173 Cr.P.C. was presented before the concerned Court. Charges were framed and trial of the case has not made much progress. Out of 17 prosecution witnesses, not even a single prosecution witness has been examined so far. However, this delay in conclusion of the trial cannot be attributed to the petitioner.

7. The recovered quantity exceeds the commercial quantity only by 18 grams. In cases where the recovery only marginally breaches the threshold for commercial quantity of the alleged contraband, this Court has found it proper to grant regular bail. Reference in this regard can be made to the judgments rendered by this Court in *Davinder Singh alias Baba vs. State of Punjab in CRM-M-64821-2023 decided on 25.01.2024*, *Gurmeet Singh vs. State of Punjab in CRM-M-1007-2024 decided on 15.01.2024*, *Ranjti Singh @ Ranjit Kumar vs. State of Punjab in CRM-M-57185-2022 decided on 10.01.2023*, *Jagtar Singh vs. State of Punjab in CRM-M-21460-2022 decided on 08.02.2023*, *Harjeet Singh alias Sonu vs. State of Punjab in CRM-M-8242-2023 decided on 15.01.2024*, *Jang Kanwar vs. State of Punjab in CRM-M-53415-2021 decided on 19.01.2022*, *Sukhchain Singh @ Manga vs. State of Punjab, CRM-M-7857-2022 decided on 04.04.2022*, *Pardeep Singh vs. State of Punjab, CRM-M-46244-2022 decided on 19.01.2023*, *Hari Yadav @ Haiya vs. State of Punjab (CRM-M-37645-2021) decided on 11.11.2022*, *'Shankar Prashad Chanau vs. The State of Punjab, CRM-M-24090-2020, decided on 27.08.2020*,



Gurpreet Kumar vs. State of Punjab, CRM-M-17021-2021, decided on 31.08.2021, Salim vs. State of Haryana, CRM-M-42436-2020, decided on 24.02.2021, Satnam Singh @ Chacha vs State of Punjab, CRM-M-34531-2020, decided on 25.02.2021, Gagandeep vs. State of Punjab, CRM-M-3055-2021, decided on 27.01.2021, Gurpreet Singh @ Gopi vs. State of Punjab, CRM-M41039-2019, decided on 26.02.2020, Dalbara Singh vs. State of Punjab, CRM-M-47880-2022 decided on 16.01.2023’, and Vivek Watts vs. State of Punjab, CRM-M-13791-2022 decided on 15.02.2023.

8. Moreover, the culpability, if any, would be determined at the time of trial and as such, no useful purpose will be served by further detention of the petitioner-accused. In fact, keeping the petitioner in further detention without the prospect of the trial being concluded in the near future, would be violative of his rights under Article 21 of the Constitution of India.

9. Finally, in view of the ratio of law laid down by Hon’ble Supreme Court in *Prabhakar Tiwari vs. State of UP and Anr. 2020(1) RCR (Criminal) 831* and *Maulana Mohd. Amir Rashadi vs. State of U.P. and Others 2012(2) SCC 382*, the involvement of an accused in other criminal cases cannot be the sole ground to deny the concession of bail to the petitioner.

10. In view of the discussions made hereinabove, the present petition is allowed. Accordingly, without commenting upon the merits of the case, the petitioner namely Dhyan Singh is ordered to be released

2025:PHHC:095813



on regular bail during pendency of the trial, on furnishing bail bonds/surety bonds to the satisfaction of Illaqa Magistrate/Trial Court/Duty Magistrate.

11. Nothing observed hereinabove shall be construed to be expression of an opinion by this Court on merits of the case. The learned Court below is directed to proceed with the matter on its own merits, lest it may prejudice the trial.

(HARPREET SINGH BRAR)
JUDGE

30.07.2025
yakub

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