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

CRM-M-17397-2025 (O&M)

Date of decision : 04.04.2025

Dinesh

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Rakesh Nehra, Senior Advocate with
Mr. Reetesh Kumar, Advocate and
Mr. Vikalp Hooda, Advocate
for the petitioner.

Mr. Ashok Sehrawat, DAG, Haryana.

MAHABIR SINGH SINDHU, J.

Present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short, 'the BNSS'), for grant of bail pending trial to the petitioner in FIR No.764 dated 08.12.2024, under Sections 22-C and 29 of Narcotic Drugs & Psychotropic Substances Act, 1985, registered at Police Station Shivaji Colony, District Rohtak.

2. Custody Certificate dated 03.04.2025 qua petitioner has been produced. The same is taken on record. Copy thereof supplied to the opposite side. Registry to do the needful.

3. Allegations are that 13 bottles of Win Cerex cough syrup containing Codeine Phosphate & Triprolidine were recovered from co-accused Suraj who had allegedly purchased the same from petitioner.



4 Contends that petitioner was not named in the FIR; rather nominated on the basis of disclosure of co-accused Suraj from whom recovery of alleged 13 bottles of Win Cerex cough syrup has been effected. Further contends that petitioner is in custody since 01.02.2025; after investigation final report under Section 193 of Bharatiya Nyay Sanhita, 2023 (for short 'BNS') was presented on 07.03.2025, however, charges are yet to be considered.

5. Learned State counsel, on instructions, duly acknowledged the above factual position, but he opposed the prayer on the ground that allegations are very serious in nature.

6. Heard both sides and perused the paper-book.

7. It transpires that petitioner was not named in the FIR; rather he is nominated on the basis of disclosure of co-accused Suraj from whom recovery of alleged 13 bottles of Win Cerex cough syrup has been effected. Petitioner is in custody since 01.02.2025; final report under Section 193 BNS was presented on 07.03.2025 and charges are yet to be considered; therefore, conclusion of trial is likely to take long time. Moreover, it is not the objection of State that in case, petitioner is released on bail, he shall influence the witnesses and/or hamper the course of trial, in any manner; thus, his further incarceration would not serve any purpose.

8. Consequently, present petition is allowed; petitioner shall be admitted to bail on furnishing bail/surety bonds to the satisfaction of learned Special Court/Chief Judicial Magistrate/Duty Magistrate concerned.



9. Petitioner shall appear on each & every date of hearing and to fully co-operate with the learned Special Court without seeking any unnecessary adjournment(s).
10. The above observations may not be construed as an expression of opinion on the merits of the case.
11. It is clarified that in case there is recurrence or any misuse of concession of bail on the part of the petitioner, State of Haryana would be at liberty to move an appropriate application for recalling of this order.

Pending application(s), if any, shall also stand disposed off.

04.04.2025
d.gulati

(MAHABIR SINGH SINDHU)
JUDGE

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