

2025:PHHC:101871



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

CRM-M-22789-2025
Date of Decision: 07.08.2025

Ajeet Singh @ Jeeta

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Kuldeep Singh Siwach, Advocate, for the petitioner.

Mr. Tanuj Sharma, AAG, Haryana.

RAJESH BHARDWAJ, J. (ORAL)

1. Petitioner has approached this Court by way of present petition praying for granting regular bail in case FIR No.355 dated 12.10.2019 under Section 21-B of the Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Bhuna, District Fatehabad.

2. Succinctly, facts of the case are that recovery effected from the petitioner in the present case is of 6.70 grams heroin. The petitioner had earlier been granted regular bail on 21.11.2019 by the Ld. Additional Sessions Judge, Fatehabad, however, he was declared Proclaimed Person on 09.07.2024. Thereafter, he had been arrested on 18.01.2025 and since then he is behind bars. The petitioner approached the Court of Ld. Judge, Special Court, Fatehabad praying for grant of regular bail. However, after hearing both the sides, the learned Court finding no merit in the same, dismissed the bail application filed by the petitioner vide order dated 20.03.2025. Hence, the petitioner has approached this Court praying for grant of bail by way of filing the present petition.

3. It has been contended by learned counsel for the petitioner that the petitioner has been falsely and frivolously roped in the present case. He further submits that recovery as alleged effected from the petitioner is of 6.70 grams heroin, which does not fall under the commercial quantity and it is just marginally higher from the small quantity. He submits that the petitioner has completed incarceration of 07 months and 28 days as on 05.08.2025. He fairly submits that the petitioner is involved in one another case and is confined in jail. He, thus, submits that in view of the facts and circumstances of the case, the petitioner deserves to be granted bail.

4. Per contra, learned State counsel has opposed the submissions made by counsel for the petitioner. He has submitted that the recovery of 6.70 grams heroin was effected from the petitioner, though it is non-commercial quantity but the sentence can be maximum up to 10 years. On instructions, he submits that out of total 16 prosecution witnesses, only 03 have been examined till date. He submits that petitioner is involved in another case for the offence of similar nature. He has placed on record custody certificate of the petitioner.

5. After hearing counsel for the parties and perusing the record, it is deciphered that recovery effected from the petitioner is of 6.70 grams heroin whereas the small quantity is up to 05 grams. Needless to say that petitioner was granted bail in this case way back on 21.11.2019 but he remained absent and hence, was declared Proclaimed Person. Thereafter, he had been arrested on 18.01.2025 and since then he is behind bars. Out of total 16 prosecution witnesses, only 03 have been examined so far. The custody certificate would reflect that the petitioner has suffered incarceration of 07 months and 28 days as on 05.08.2025. It further reflects that the petitioner is involved in another case for the offence of similar nature and he is in jail in that case.

6. The veracity of the allegations would be assessed only after the

conclusion of the trial and on the appreciation of evidence to be led by both the parties before the trial Court. This Court would refrain itself from commenting anything on the merits of the case. The trial of the case will take sufficient long time. Thus, keeping in view the arguments raised by both the sides, this Court is of the opinion that learned counsel for the petitioner succeeds in making out a case for grant of regular bail to the petitioner.

7. Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate. However, if the petitioner does not furnish the bail bonds within 07 days from today, then his further custody period after one week will not be counted in this case.

8. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

07.08.2025
Parveen kumar

(RAJESH BHARDWAJ)
JUDGE

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