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

CRM-M-23695-2025

Date of Decision:13.05.2025

ROHIT

...PETITIONER

VS.

STATE OF HARYANA

...RESPONDENT

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Mr. Arun Chander Sharma, Advocate
for the petitioner.

Mr. Rajiv Sidhu, DAG, Haryana.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the present petition under Section 483 of BNSS, 2023 with a prayer to grant regular bail to him in case FIR No.437 dated 09.09.2024, registered under Sections 21(b), 29 of N.D.P.S. Act, 1985, Police Station Yamuna Nagar Sadar, District Yamuna Nagar.

2. Learned counsel for the petitioner contends that the petitioner is a 19 years old student, who has been falsely involved by the local police. Even recovery of 10 grams of heroin was planted on the petitioner and his co-accused Aajad. By referring to the order Annexure P-2, learned counsel submits that Aajad has already been granted the concession of bail by the Court of Additional Sessions Judge, Yamuna Nagar and the case of the petitioner is at par with him. He further contends that since the recovery of contraband from



the petitioner falls within the ambit of “non-commercial quantity”, the provisions of Section 37 of the NDPS Act may not apply to the facts of the present case.

3. On the other hand, learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner on the ground that serious allegations have been levelled against the present petitioner and he does not deserve the concession of bail by this Court. He further submits that the petitioner is facing one more prosecution under similar provisions.

4. I have heard the learned counsel for the parties and perused the record carefully.

5. In the present case, the petitioner is suffering incarceration for a period of more than 08 months. The challan has already been presented against him and the trial has not even formally commenced. Moreover, similarly placed co-accused Aajad has been granted the concession of regular bail vide order Annexure P-2. Thus, the further custody of the petitioner will not serve any useful purpose.

6. Without commenting on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail pending trial on his furnishing bail bonds and surety to the satisfaction of the concerned trial Court/ Duty Magistrate/Chief Judicial Magistrate subject to the following conditions:-

(i) The petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, so as to dissuade him to disclose such facts to the Court or to any other authority.

(ii) The petitioner shall remain present before the Court on the dates fixed for hearing of the case.



(iii) The petitioner shall not absent himself from the Court proceedings except on the prior permission of the Court concerned.

(iv) The petitioner shall surrender his passport, if any, (if already not surrendered), and in case he is not holder of the same, he shall swear an affidavit to that effect.

(v) The petitioner shall also file his affidavit before the concerned Court, mentioning his ordinary place of residence and number of mobile phone, which shall be used by him during the pendency of the trial. In case of change of place of residence/mobile number, he shall share the details with the concerned Court/learned Trial Court.

(vi) In case, the petitioner is involved in any other criminal activity, during the pendency of the trial, it shall be viewed seriously.

(vii) The concerned Court may insist on two heavy local sureties and may also impose any other condition, in accordance with law, while accepting the bails bonds and surety bonds of the petitioner.

7. In case, the petitioner violates any of the conditions mentioned above, it shall be viewed seriously and the concession of bail granted to him shall be liable to be cancelled and the prosecution shall be at liberty to move an application in this regard.

13.05.2025
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(N.S. SHEKHAWAT)
JUDGE

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