



**In the High Court for the States of Punjab and Haryana at
Chandigarh**

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CRM-M-29244-2025 (O&M)
Date of Decision:- 08.12.2025

Chetan Sharma	...	Petitioner
Versus		
State of Haryana	...	Respondent

CORAM: HON'BLE MR. JUSTICE SUBHAS MEHLA

Present:- Mr. Namit Khurana, Advocate for the petitioner.
Mr. Ramender Singh Chauhan, Assistant A.G., Haryana.

SUBHAS MEHLA, J. (Oral)

1. By way of the present petition, the petitioner is seeking regular bail in FIR No.194 dated 26.08.2024, registered under Sections 21(b), 29 of NDPS Act, at Police Station Farakpur, District Yamuna Nagar.
2. Learned counsel for the petitioner contended that the petitioner has been falsely implicated in the present case on the basis of disclosure statement of co-accused, who was found in possession of 6.43 grams of 'heroin', which falls under non-commercial quantity, i.e. just above the small quantity. The present petitioner is in custody since 26.12.2024 i.e. for the last about 11 months and 11 days. He further submits that co-accused namely Sunil Verma has already been granted bail by the Court of Additional Sessions Judge, Yamuna Nagar vide order dated 03.10.2024. Hence, prayed for concession of bail to the petitioner as trial will take sufficient time to conclude.



3. Custody certificate of petitioner filed by learned State counsel today in Court, is taken on record. He has opposed the bail of the petitioner by submitting that the petitioner is a habitual offender as he is involved in seven other cases, out of which 1 is under NDPS Act and 1 is under 174-A of IPC and remain are under IPC. However, it is not disputed that contraband recovered from the co-accused, falls under non-commercial quantity, i.e. 6.43 grams of 'heroin', and prayed for dismissal of his bail petition.

4. Heard.

5. Keeping in view the facts and circumstances of the case, this Court finds that contraband recovered from the co-accused was 6.43 grams of 'heroin', which falls under non-commercial quantity i.e. just above the small quantity. The petitioner is in custody since 26.12.2024 i.e. for the last about 11 months and 11 days; and co-accused namely Sunil Verma has already been granted bail by the learned Additional Sessions Judge; trial will take sufficient time to conclude; there is no apprehension to tamper with the prosecution evidence as material witnesses are police officials, and no fruitful purpose would be served by keeping him in custody for any further period, as concession of bail cannot be denied just as a measure of punishment and it is a trite principle of criminal jurisprudence that bail is rule, jail is an exception, this Court deems it a fit case to grant the concession of regular bail to the petitioner.

6. Therefore, without expressing any opinion on the merits of the case, the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing requisite bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate concerned.



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7. 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.

08.12.2025
Geeta

(SUBHAS MEHLA)
JUDGE

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