



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

CRM-M-29515-2025

Date of Decision:07.08.2025

Harjinder Singh @ Shelly

...Petitioner

Vs.

State of Haryana

...Respondent

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

Present : Mr. Vivek K. Thakur, Advocate
for the petitioner.

Mr. Rajeev Sidhu, Sr. DAG, Haryana.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the present petition under Section 483 of B.N.S.S with a prayer to grant regular bail to him in case FIR No.219, dated 25.04.2023, registered under Sections 21(B) and 27(a) of NDPS Act, Section 29 of NDPS Act added later on, Police Station Sadar, Fatehabad, District Fatehabad.

2. Learned counsel for the petitioner contends that the prosecution has falsely alleged that 200 grams of heroin was recovered from Jugal Singh, co-accused. He further contends that even the recovery of 200 grams of heroin recovered from Jugal Singh, co-accused falls within the ambit of "non-commercial quantity" and the bar contained in Section 37 of the NDPS Act would not apply to the facts of the present case. The petitioner was arrested in the present case on 25.04.2023 and was ordered to be released on bail, however, due to some mis-understanding the petitioner did not appear before the Trial Court and his bail was cancelled. He was again taken in custody on 31.01.2025

and since then he is in custody. He further contends that till date only charge has been framed against the petitioner but no witness has been examined so far.

3. On the other hand, learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner on the ground that the petitioner is a habitual offender and is involved in four more criminal cases including three cases under the provisions of NDPS Act.

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

5. It is not in dispute that the petitioner was earlier granted the concession of bail and was appearing before the Trial Court. However, during the trial he remained absent and his bail was cancelled. Now, the petitioner is stated to be in custody for the last about six months and no witness has been examined so far. Thus, his further custody will not serve any meaningful 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.

(viii) He shall also file an affidavit before the Trial Court that he shall appear on each and every date of hearing and shall not remain absent himself from the trial Court proceedings, without prior permission of the Court.

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.

07.08.2025

hitesh

(N.S.SHEKHAWAT)
JUDGE

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