



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-31063-2025
Decided on : 25.08.2025

Dhian Singh alias Dhayan Singh . . . Petitioner(s)

Versus

State of Punjab . . . Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. Mohit Kumar, Advocate
for the petitioner(s).

Mr. Manjinder S. Bhullar, DAG, Punjab.

SANJAY VASHISTH, J. (Oral)

1. The instant petition has been filed under Section 483 of BNSS, 2023 (earlier Section 439 Cr.P.C.), for grant of regular bail to the petitioner, during the pendency of trial, who has been booked in a criminal case arising out of First Information Report, as detailed here-under:-

Name of Petitioner(s)	FIR No.	Date	Section(s)	Police Station	District
Dhian Singh alias Dhayan Singh	204	23.10.2024	15 & 29 of NDPS Act, 1985	Sadar Khanna,	Police District Khanna

2. The allegation against the petitioner is that 60 kg of poppy husk was recovered from the truck allegedly being driven by the co-accused Ajinder Singh, and petitioner was sitting in the cabin of the said truck. Learned counsel for the petitioner submits that the recovered quantity is only marginally above the upper limit of non-commercial quantity. He further argues that the procedure adopted for weighing the contraband at the time of recovery will be a matter of scrutiny during the trial, particularly, whether the procedure complied with the prescribed rules and norms was followed or



not.

It is also pointed out that the recovered quantity was weighed along with the bags containing the contraband. Thus, at this stage, no conclusive view can be taken as to whether the actual contraband falls under the 'commercial' category.

3. Learned counsel further submits that the co-accused – Ajinder Singh (almost similarly situated), has already been granted concession of regular bail by this Court, vide order dated **22.07.2025**, passed in **CRM-M-24502-2025**, titled as, "Ajinder Singh v. State of Punjab" (Annexure P-4). Thus, claiming parity, learned counsel for the petitioner prays for grant of concession of regular bail to the petitioner as well.

4. On the other hand, learned State counsel has vehemently opposed the prayer for grant of bail, submitting that in view of the substantial recovery of narcotic contraband, the petitioner is not entitled to the concession of regular bail without first establishing his innocence.

He further contends that the grant of bail to a co-accused cannot by itself be taken as a ground for extending the same benefit to the petitioner, unless the overall facts and circumstances so justify. However, on a specific query made by the Court, he fairly conceded that except for the present case, the petitioner is not found to be involved in any other similar activity. It is also not disputed that the petitioner is in custody for about nine months, and till date, none of the 11 prosecution witnesses has been examined.

5. Taking note of the submissions and the circumstances, as noticed here-above, I deem it appropriate to consider the petitioners' plea for



grant of bail.

6. Consequently, prayer made in the present petition is **allowed**.
Petitioner is ordered to be released on bail, subject to his furnishing bail/surety bonds to the satisfaction of the learned trial Court/ Chief Judicial Magistrate/ Illaqa Magistrate/ Duty Magistrate concerned, if not required in any other case.

7. Needless to observe that the petitioner shall not extend any threat and shall not influence any prosecution witness in any manner directly or indirectly.

8. The observation made here-in-above shall not be construed as an expression of opinion on the facts of the case and the Trial Court is expected to decide the case on the basis of complete evidence available on record.

9. It is further made clear that if, in future, petitioner is directly found indulged in similar kind of activities, this order shall be deemed to be cancelled.

10. Petition stands disposed of.

(SANJAY VASHISTH)
JUDGE

August 25, 2025

J.Ram

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