



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-31942-2025
Decided on : 04.07.2025

Sandeep . . . Petitioner(s)

Versus

State of Haryana . . . Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

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

Mr. P.K. Jhanda, DAG, Haryana.

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
Sandeep	33	13.01.2025	20(C) & 29 of NDPS Act	Samalkha	Panipat

2. Learned counsel for the petitioner submits that petitioner is not involved in any other similar activity and has been falsely involved in the present case with the allegatoin that there is recovery of 12 Buprenorphina Leegestic (2 ml each) injections from his possession. 20 ml of Buprenorphina Leegestic is the maximum of the non-commercial quantity, whereas, in the present case, it is more than 4 grams more than the maximum of non-commercial quantity. Therefore, the exact quantity/weight of drug is yet to be ascertained during the course of trial, after seeing the



FSL report etc.

3. Learned counsel also contends that the other co-accused, i.e., Pardeep Kumar Tomar @ Pradeep Kumar Tomar, has been granted concession of regular bail by this Court vide order dated 07.03.2025, passed in CRM-M-11695-2025, titled as, “Pardeep Kumar Tomar @ Pradeep Kumar Tomar v. State of Haryana” and accused – Dharambir, has been granted concession of regular bail by this Court vide order dated 25.03.2025, passed in CRM-M-15038-2025, titled as, “Dharambir v. State of Haryana”.

Besides, after complete of investigation, challan has been submitted. However, the process of recording of statements of the witnesses, is yet to start.

4. In support of his arguments, learned counsel for the petitioner also relies upon other orders passed by the Coordinate Benches of this Court in Kuldeep Singh v. Union Territory, Chandigarh, CRM-M-1400-2018 (O&M) (D.O.D. : 19.01.2018) : Law Finder Doc Id # 2015763 and Kamaljeet Singh @ Kamal v. State of Punjab, CRM-M-4538-2019 (D.O.D. : 13.03.2019) : Law Finder Doc Id # 2013541, wherein, in Kuldeep Singh’s case (supra), petitioner therein was granted concession of bail after suffering of incarceration for a period of three months only and in Kamaljeet Singh @ Kamal’s case (supra), wherein, 12 of Avil (each content of 10 mll) and 12 injections of Buprenorphine injections (each content of 2 ml) were recovered, and after a period of nine months, petitioner therein was granted concession of bail.

Further submits that petitioner in the instant case is inside jail since 13.01.2025, and he, thus, he would be inside jail for a period of nine



months after a couple of days.

Therefore, claiming parity, learned counsel prays for grant of concession of regular bail to the petitioner.

5. On advance notice and in response to the arguments addressed by the petitioner's counsel, learned State counsel submits that there is a substantial recovery in the present case. Besides, petitioner is the main accused and recovery of contraband has been effected from his possession. Hence, the petitioner cannot claim parity with other co-accused.

The State counsel further argues that the petitioner cannot be viewed as less culpable, as he is alleged to be the one, who is operating the drug racket, thereby endangering the future of the youth in society.

6. I have heard learned counsel for the parties and gone through the record with their able assistance.

7. After hearing the learned counsel for both parties and carefully perusing the relevant material on record with their able assistance, this Court finds substance in the submissions made by the learned counsel for the petitioner. Furthermore, as the trial is yet to commence and its conclusion is likely to take considerable time, the Court deems it appropriate to consider all aspects of the matter. Apparently, petitioner's name has surfaced in the case, solely on the basis of disclosure statement of a co-accused, placing a significant burden on the prosecution to establish the petitioner's involvement in the alleged crime.

8. In view of totality of circumstances, and the facts/allegations levelled against the petitioner, and the factors noticed here-above, I deem it appropriate to grant the concession of bail to the petitioner.



9. 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.

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

11. The observation made here-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.

12. It is further made clear that if, in future, petitioner is found indulged in similar kind of activities, prosecution would be at liberty to seek cancellation of bail in the present case.

13. **Petition stands disposed of.**

(SANJAY VASHISTH)
JUDGE

July 04, 2025

J.Ram

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