



CRM-M-31949-2025 **1**
IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-31949-2025
Decided on :03.11.2025

Sawan . . . Petitioner(s)

Versus

State of Haryana . . . Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Ms. Apurva Walia, Advocate for the petitioner.

Mr. P.K. Jhanda, Sr. DAG, Punjab.

SANJAY VASHISTH, J. (Oral)

1. Present petition has been filed under Section 483 of the BNSS Act, seeking regular bail in case FIR No. 213 dated 19.05.2024, under Section 22 of NDPS Act (Section 29 of NDPS Act and Sections 201/204 IPC were added later on) registered at Police Station Old Subzi Mandi, District Rohtak, Haryana.
2. As per the prosecution, 38 bottles of Wincerex Cough Syrup (Codeine Phosphate Triprolidine Hydrochloride Syrup) were recovered from the possession of Sahil, the brother of the petitioner. Each bottle contained 100 ml of syrup. Subsequently, on the basis of the disclosure statement of Sahil, the name of the present petitioner was also implicated, with the allegation that the petitioner arranged the syrup from outside and handed over the bottles to the main accused, Sahil, for sale. Sahil was allegedly running a chicken shop.

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3. Learned counsel for the petitioner contends that, except for the allegation of supplying the cough syrup to his own real brother, and that too based solely on a disclosure statement, no other connecting evidence has been collected by the investigating officer. Even after the arrest of petitioner, nothing was recovered from his possession.

4. Counsel further submits that petitioner is in custody for a period of last one year and one month, and out of a total of 18 prosecution witnesses, only 04 have been examined so far. Counsel therefore prays for the grant of regular bail to the petitioner during the pendency of the trial.

5. On the other hand, learned State Counsel argues that the petitioner is involved in two other cases of a similar nature and, therefore, does not deserve the concession of bail. Learned State counsel has also filed the custody certificate of the petitioner to substantiate its contention regarding his detention.

6. In response, learned counsel for the petitioner submits that in one case, i.e., FIR No. 20 dated 22.01.2021, under Sections 8/21(b)/22 of the NDPS Act, registered at Police Station Purani Sabzi Mandi, Rohtak, petitioner was already granted regular bail by the co-ordinate bench of this Court vide order dated 22.03.2022 in CRM-M 38299-2021. In the other case, i.e., FIR No. 220 dated 22.05.2024, under Sections 22 and 29 of the NDPS Act, registered at Police Station Old Sabzi Mandi, Rohtak, the matter is still under trial. Counsel submits that petitioner is not a convict in any other case till date. Therefore, respondent/State



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cannot derive any benefit by claiming that petitioner is a habitual offender merely because he is involved in other cases.

6. I have heard learned counsel for the parties and perused the relevant material available on record.

7. Undoubtedly, two cases are registered against the petitioner, which are as under:

FIR No.	Dated	Sections	Police Station	Status
20	22.01.2021	8/21(b)/22 of NDPS Act	Purani Sabzi Mandi, Rohtak	Petitioner is on bail
220	22.05.2024	22 and 29 of NDPS Act	Old Sabji Mandi, Rohtak	Under trial

In one of the cases, petitioner is already on bail, and in the other, trial is pending. In the present case, no contraband punishable under the NDPS Act has been recovered from the possession of the petitioner. At this stage, it cannot be definitively opined that petitioner was involved solely on the basis of the disclosure statement, until some unimpeachable evidence is produced by the prosecution in support of the disclosure statement during the course of the trial.

Petitioner has already suffered incarceration for a period of more than one year and one month, and out of a total of 18 prosecution witnesses, only 04 have been examined so far. Since trial is likely to take considerable time, personal liberty of the petitioner cannot be curtailed indefinitely. Therefore, this Court finds merit in the prayer of the petitioner.

Consequently, prayer made in the instant petition is allowed. Petitioner is ordered to released on bail, subject to his furnishing



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bail/surety bonds to the satisfaction of trial Court/Chief Judicial Magistrate/Illaqa Magistrate/Duty Magistrate concerned, if not required in any other case.

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

9. The observation made hereinabove 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 by taking an independent view, on the basis of evidence available on record, as expeditiously as possible in accordance with law.

10. Petition stands disposed of.

(SANJAY VASHISTH)
JUDGE

03.11.2025
Rashmi

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