



CRM-M-35796-2025

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

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**CRM-M-35796-2025(O&M)  
Decided on :15.07.2025**

Rajeev

. . . Petitioner(s)

Versus

State of Punjab

. . . Respondent(s)

**CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH**

Present: Mr. L.S. Sekhon, Advocate for the petitioner.

Mr. Manjinder Singh Bhullar, DAG, Punjab.

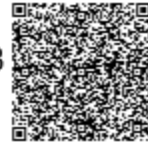
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**SANJAY VASHISTH, J. (Oral)**

1. Present petition has been filed under Section 483 of BNSS, seeking regular bail in case FIR No.25 dated 05.04.2024 under Sections 20 and 29 of NDPS Act, registered at Police Station Dhakoli, District SAS Nagar Mohali.

2. Learned counsel for the petitioner contends that the petitioner-Rajeev, a mature individual with no prior involvement in any similar criminal activity, has been falsely implicated in the present case. It is submitted that the petitioner was not found present at the spot. However, solely on the basis of a Suzuki motorcycle bearing Engine No. MB8ED11WAN8130541 and Chassis No. BGA31043789 found parked at the site, he has been arrayed as an accused.

It is further argued that although 26 kilograms of Ganja were recovered from the spot, which exceeds the non-commercial quantity by 6 kilograms, the quantity still falls within the range of *intermediate quantity*. It is emphasized that there is no direct evidence linking the petitioner to the recovery.



It is further pointed out that no Test Identification Parade (TIP) has been conducted by the prosecution, and hence, it would be incumbent upon the prosecution to establish the petitioner's conscious possession beyond reasonable doubt.

Counsel submits that the petitioner has been in custody for the past one year and two months, and that only two prosecution witnesses out of seventeen have been examined so far. Thus, prays for grant of regular bail.

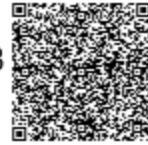
3. While opposing the prayer of the petitioner, learned State counsel submits that petitioner has not offered any plausible explanation during the course of investigation or in the present petition as to why his motorcycle was found parked at the spot. In the absence of such an explanation, it is argued, a presumption arises that the petitioner was involved in the incident but may have managed to escape from the scene.

However, the learned State counsel fairly concedes that the petitioner has been in custody for over one year and that no other similar criminal proceedings are pending against him.

4. Having considered the rival submissions and, in particular, the fact that the petitioner has remained in custody for more than one year; that his conscious possession or even physical presence at the spot is yet to be established by the prosecution; and that the trial has not progressed substantially, this Court finds merit in the petitioner's prayer for bail.

This Court is of the considered opinion that the petitioner deserves an opportunity for rehabilitation and reintegration into society. Without expressing any opinion on the merits of the case, and keeping in view the substantial period of sentence undergone by the petitioner, slow pace of trial, and the absence of any other similar criminal antecedents, the Court holds that the petitioner's right to personal liberty cannot be curtailed indefinitely.

5. Consequently, prayer made in the present petition is allowed. Petitioner is ordered to be released on bail, subject to his

**CRM-M-35796-2025****3**

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

6. Any of the discussion done and recorded hereabove, shall not be construed as an expression of opinion on the facts of the case. Therefore, 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.

7. It is further made clear that if, in future, the petitioner is found to be directly involved in similar activities, the prosecution would be at liberty to seek cancellation of bail.

8. Petition stands disposed of.

**(SANJAY VASHISTH)**  
**JUDGE**

**15.07.2025***Rashmi*

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