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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-39131-2024
Date of decision:-04.04.2025

JITESH

... Petitioner

Versus

STATE OF HARYANA

... Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY.

Present:- Ms. Gagandeep Kaur, Advocate for
Mr. Punit Malik, Advocate for the petitioner.

Mr. Amrik Narwal, DAG, Haryana.

SANJIV BERRY, J.(ORAL)

Learned State counsel has filed custody certificate dated 02.04.2025, the same is taken on record, copy thereof, has been supplied to the counsel opposite.

2. The instant petition has been preferred by the petitioner under Section 439 Cr.P.C for grant of regular bail in the following case:-

FIR No.	Dated	Sections	Police Station
415	28.12.2023	20 and 29 of NDPS Act	Sadar Jhajjar, Jhajjar

3. Arguments heard.

4. It is *inter alia* contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in this case. He contends that petitioner was the driver of the car wherein three persons were traveling. He contends that as per the allegations 20 kg 250 grams of Ganja



had been recovered from the car with which the petitioner has no concern and he is in custody since 28.12.2023. He contends that the trial of the case is going on at the snails pace as only 2 witnesses out of 16 witnesses cited by the prosecution has been examined so far and it will take long time to conclude. He contend that even the weight of the said contraband has not been done properly on account of the weight of the bag also alongwith the contraband, and it is marginally above the non commercial quantity . He contends that the petitioner is not having any criminal antecedents. Hence prayed for grant of concession of bail tot he petitioner.

5. *Per contra*, learned State counsel referring to the reply submitted by the State, has assailed these arguments by submitting that 20 kg 250 grams of Ganja was recovered from the boot of the car driven by the petitioner, which falls within the purview of commercial quantity, as such, he does not deserve concession of bail. However, he has not denied the fact that after completion of investigation challan has been presented for trial, wherein prosecution has cited 16 witnesses and till date only 2 of them have been examined.

6. After considering the rival contentions and perusing the record, it transpires that during patrolling, police party apprehended car driven by the petitioner alongwith other co-accused and on search, recovery of 20 kg 250 grams of Ganja was effected. Consequently, the petitioner was arrested on 28.12.2023 and after completion of investigation, challan has already been presented in Court wherein prosecution has cited 16 witnesses and till date only 2 witness have been examined. Admittedly, the recovery effected from



the petitioner is marginally higher than the non commercial quantity, and the petitioner is not involved in any other case under NDPS Act. The conclusion of trial to ascertain criminal liability, if any, of the petitioner, will take sufficient long time, as such, no purpose would be served by detaining the petitioner any longer.

7. Resultantly, in these circumstances, without commenting on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail subject to furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court concerned, if not required in any other case; undertaking to regularly appear on each and every date; not to leave the country without prior permission of the Court; and not to tamper with evidence of prosecution in any manner.

8. It is further made clear that in case the petitioner is found involved in any case under NDPS Act, after his release on bail, it will be open for the prosecution to move an application for cancellation of his bail in accordance with law.

9. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

10. Pending application(s) if any shall also stand disposed of.

(SANJIV BERRY)
JUDGE

04.04.2025

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i)	Whether speaking/reasoned?	Yes/No
ii)	Whether reportable?	Yes/No