



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-37493-2025
Decided on : 11.08.2025

Amar
.....Petitioner
Versus
State of Haryana
.....Respondent

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. Sahil Choudhary, Advocate
for the petitioner.

Mr. Pawan Kumar Jhanda, Sr. DAG, Haryana.

SANJAY VASHISTH, J.

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 hereunder:-

Name of Petitioner(s)	FIR No.	Date	Section(s)	Police Station	District
Amar	429/2023	13.05.2023	20 NDPS Act	Samalkha	Panipat

2. Learned counsel for the petitioner contends that as per a secret information received by the police patrolling party, petitioner Yash [in CRM-M-13473-2025], petitioner Amar [in CRM-M-37493-2025 and petitioner Ramesh alias Kali [in CRM-M-25018-2025] were together in one black Scorpio car bearing registration No.HR26 AA 8021 and were travelling from Delhi via G.T. Road towards Bhodwal Majri. On interception, vehicle was got stopped by the police patrolling party and the same was found occupied by all the three named accused. Vehicle was driven by accused Ramesh and accused Yash was sitting on



the passenger seat and accused Amar was sitting on the rear seat of the car. During search two white plastic sacks filled with some material, which was found in the trunk of the vehicle and the same was later identified as Ganja weighing 42 kg [21x21 kg bags]. Counsel for the petitioner submits that vehicle is not registered in the name of any of the accused and even accused Yash and Amar cannot be attributed the allegation that they both are associate of accused Ramesh alias Kali, who was driving the vehicle, because it would be heavily upon the prosecution to prove that Yash and Amar were also having conscious possession of the contraband i.e. 42 kg of Ganja in the vehicle. Moreover, all the accused are inside jail since 30.05.2023 i.e. for a period more than 2 years and 3 months and are not involved in any similar activity, showing their involvement in the offence covered under NDPS Act.

3. On advance notice and in response to the arguments addressed by learned counsel for the petitioner, learned State counsel, produces the custody certificate dated 09.08.2025 in Court today, which is taken on record. Office to tag the same at appropriate place. A copy thereof has been handed over to the counsel for the petitioner.

4. As per the custody certificates, in the present case, petitioner has already undergone 2 years 2 months and 20 days period inside jail and there is no other case registered against him.

5. Learned State Counsel is not in a position to counter any of the factual submissions made by counsel for the petitioner and rather, confirms that out of the total 16 prosecution witnesses, none has been examined and said status of the trial has been reproduced on record in Status Report qua all the three petitioners in their respective petitions. As per custody certificate the total



undergone period of incarceration as of now is 2 years, 2 months and 20 days and none of them is shown to be involved in any other similar activity.

6. After hearing learned counsel for the parties and perusing the relevant material on record with their able assistance, this Court finds substance in the submissions made by learned counsel for the petitioner by observing that circumstances extended hereabout, this Court views that the petitioner cannot be detained inside jail for an indefinite period, for the reason that despite the accused been inside jail for 2 years 3 months and none of the witnesses have been examined till date. The conscious possession of the accused is also to be ascertained as vehicle does not stand in the name of any of the accused persons.

7. In view of totality of circumstances, and the facts/allegations levelled against the petitioner, and the factors noticed hereinabove, I deem it appropriate to grant the concession of bail to the petitioners.

8. 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.

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

10. Any of the discussion done and recorded here above, 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.



11. 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.

12. Petition stands disposed of.

(SANJAY VASHISTH)
JUDGE

11.08.2025

Chiranjeev

Whether Speaking/Reasoned: **YES/NO**
Whether Reportable: **YES/NO**