



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

**CRM-M-37530-2025
DECIDED ON: 22.07.2025**

SITO @ SANTOSH

.....PETITIONER

VERSUS

STATE OF HARYANA

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Vaneet Soni, Advocate
for the petitioner.

Ms. Mayuri Lakhanpal Kalia, DAG Haryana

SANDEEP MOUDGIL, J (ORAL)

1. Prayer

The jurisdiction of this Court has been invoked under Section 483 BNSS, 2023 seeking regular bail to the petitioner in case FIR No. 352 dated 18.05.2023 (Annexure P-1) under Sections 20(b)(ii)(C), 27A-61-85 of Narcotics Drugs and Psychotropic Substances Act, 1985 and Section 201 IPC (Sections 27A/61/85 NDPS Act and Section 201 IPC added lateron) registered at P.S. Hansi City, Police District Hansi, District Hisar.

2. Contentions:

On behalf of the petitioner

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case on the basis of disclosure statement of co-

accused Surender, who has been granted the concession of regular bail vide order dated 18.10.2024 passed in CRM-M-50053-2024 (Annexure P-5). He argued that nothing has been recovered from the petitioner, as he was not present at the spot.

On behalf of the State

On the other hand, learned State Counsel has filed the custody certificate of the petitioner, which is taken on record. According to which, the petitioner is behind bars for 3 months and 1 day.

Learned State Counsel on instructions from the Investigating Officer opposes the prayer for grant of regular bail stating that the petitioner was nominated on the basis of disclosure statement of co-accused Surender, who stated that the contraband i.e., 60 kgs of ganja was sold to the petitioner for further sale and the said quantity is commercial in nature. Additionally, she submits that the petitioner is a habitual offender, as he is involved in another case.

3. **Analysis**

In the present case the petitioner was nominated only on the basis of disclosure statement of co-accused Surender and he has been granted the concession of regular bail by this Court vide order dated 18.10.2024 and except disclosure no incriminating material has been put forth by the State to connect the petitioner with the alleged contraband added with the fact that investigation is complete, challan stands presented on 03.06.2025, charges are yet to be framed and total 33 prosecution witnesses are to be examined, which will take considerable time, therefore, this Court is of the view that no useful purpose would be served by keeping the petitioner behind bars for uncertain period, wherein “*bail is a rule and jail is an exception*” and it would also violate the principle of right to speedy trial and expeditious disposal under Article 21 of Constitution of India, as has been time and again discussed by this Court, while relying upon the judgment of the

CRM-M-37530-2025

Apex Court passed in *Dataram Singh vs. State of Uttar Pradesh & Anr. 2018(2) R.C.R. (Criminal) 131.*

As far as the contention of learned State counsel with regard to the pendency of other cases and involvement of the petitioner in other cases is concerned, reliance can be placed upon the order of this Court rendered in CRM-M-25914-2022 titled as “*Baljinder Singh alias Rock vs. State of Punjab*” decided on 02.03.2023, wherein, while referring Article 21 of the Constitution of India, this Court has held that no doubt, at the time of granting bail, the criminal antecedents of the petitioner are to be looked into but at the same time it is equally true that the appreciation of evidence during the course of trial has to be looked into with reference to the evidence in that case alone and not with respect to the evidence in the other pending cases. In such eventuality, strict adherence to the rule of denial of bail on account of pendency of other cases/convictions in all probability would lend the petitioner in a situation of denial the concession of bail.

4. **Relief:**

In view of the discussions made hereinabove, the petitioner is hereby directed to be released on regular bail on furnishing bail and surety bonds to the satisfaction of the trial Court/Duty Magistrate, concerned.

In the afore-said terms, the present petition is hereby allowed.

However, it is made clear that anything stated hereinabove shall not be construed as an expression of opinion on the merits of the case.

(SANDEEP MOUDGIL)
JUDGE

22.07.2025
Meenu

Whether speaking/reasoned :Yes/No
Whether reportable :Yes/No