



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

CRM-M-38193-2025

Date of Decision:24.07.2025

VIKAS

...Petitioner

Vs.

STATE OF PUNJAB

...Respondent

CORAM:- HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. Satnam Singh Gill, Advocate for the petitioner.
Mr. Jasdeep Singh, DAG, Punjab.

SANJAY VASHISTH, J. (Oral)

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 the First Information Report, as detailed here-under:-

Name of petitioner(s)	FIR No.	Date	Section(s)	Police Station	District
Vikas	25	05.04.2024	20 and 29, NDPS Act, 1985.	Dhakoli	SAS Nagar. Mohali

2. In brief, case of the prosecution is that on 05.04.2024, a police party headed by SI Raj Kumar was present in the area of Dhakoli in connection with patrolling and checking of anti social element and when during patrolling, at 1:30 pm, he along with police party reached near the hut lying on drain then on the right side of bridge leading to the huts, some persons found to be standing and after watching carefully they saw that two persons after putting something in small pockets, were giving it to other persons and received money from them. Then on the asking of SI Raj Kumar, HC Vikram went towards them. On seeing the police, one person



out of them asked Chillu to run away as police has come. On this, one person started running after keeping the gunny bag on his shoulder. HC Vikram tried to catch them but he pushed him and ran away. Other person who accompanied Chillu also ran away from the spot, after leaving motor cycle at the spot. The remaining persons who were standing there also ran away from the spot. On checking the gunny bag, 26 kg ganja was recovered.

3. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in the present case as no recovery is effected from accused. He further submits that petitioner was not apprehended at the spot and the motor cycle does not belong to him. He further submits that it is impossible for the petitioner to run away in the presence of the police party armed with weapon and his identity is also disputed. He further submits that the petitioner is ready to join the investigation.

4. On the other hand, learned State counsel has vehemently opposed the arguments of learned counsel for petitioner and has argued that allegations against the accused are serious. He further contends that the persons who were selling *ganja*, were seen by police party and accused/applicant who is also known as Chillu, ran away in the presence of police. Motor cycle was in the name of Rajiv son of Jai Pal r/o House no. 31, Shakti Enclave, Dhakoli, Zirakpur and petitioner also belongs to the same village. He further submits that Vikram is also known as Chillu and Rajiv who is owner of motor cycle, which was recovered from the place along with accused, is residing in village Nangal Kheri. Recovery of 26 kg



ganja was made which falls in the category of commercial quantity.

5. Now the prosecution has built up the case that the petitioner Vikas is infact Chillu as is disclosed by HC Vikram as at the place of occurrence, he was heard by the name of Chillu, from where the petitioner succeeded in running away.

6. I have heard the submissions addressed by the counsel for the parties and have examined the record.

7. It is a case where, there is recovery of 26 kgs of *ganja* which was there in the gunny bag where the accused left the motor cycle abandoned. It is also the case of the petitioner that he has not been got identified in the test identification parade and during the course of investigation it is yet to be established by the prosecution, whether the name of Chillu as disclosed by the HC Vikram is of the present petitioner Vikas nor not, which is seriously disputed by the petitioner. It is also the case of the petitioner that the co-accused Rajeev who is similarly situated has already been granted bail vide order dated 15.07.2025 passed in CRM-M-35796-2025.

8. Therefore, taking note of the submissions and the circumstances, noticed here-above, I deem it appropriate to consider the petitioners' plea for grant of bail.

9. 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.

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

11. The observation made here-in-above 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 on the basis of complete evidence available on record.

12. It is further made clear that if, in future, petitioner is directly found indulged in similar kinds of activities, this order shall be deemed to be cancelled.

13. Petition stands disposed of.

(SANJAY VASHISTH)
JUDGE

24.07.2025

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