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

CRM-M-41500-2025

Date of Decision: 01.09.2025

RAJ KUMAR ALIAS RAJU

... PETITIONER

VERSUS

STATE OF HARYANA

....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SUBHAS MEHLA

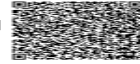
Present: Mr. Sandeep Gahlawat, Advocate
for the petitioner.

Mr. Karan Veer Singh, Sr. Deputy Advocate General, Haryana.

SUBHAS MEHLA, J. (ORAL)

1. The petitioner is seeking regular bail in FIR No. 0148 dated 30.05.2024, under Section 15(c) of the NDPS Act, 1985 registered at Police Station Julana, District Jind.

2. Learned counsel for the petitioner contended that the petitioner has been falsely implicated in the present case and has been nominated in the case only on the disclosure statement made by the co-accused Jitender Singh and Kavi Raj, from whose possession the contraband was recovered and except the said disclosure statement, there is nothing on record against the petitioner. He further submitted that the co-accused namely Jitender Singh and Kavi Raj have been granted bail by the Co-ordinate Bench of this Court vide order dated 21.02.2025 passed in CRM-M-9312-2025 and order dated

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27.02.2025 passed in CRM-M-5790-2025, respectively. The petitioner is in custody since 14.12.2024, i.e., for 08 months and 11 days and the trial of the case is likely to take considerable time as out of total 27 prosecution witnesses none has been examined till date. The prolonged incarceration without trial violates the petitioner's Fundamental Right under Article 21 of the Constitution of India. The petitioner prayed for concession of regular bail. The petitioner undertook to abide by all conditions imposed by this Hon'ble Court and assured that he would not tamper with evidence, influence witnesses, or abscond during trial.

3. Learned State counsel has filed the custody certificate, which is taken on record.

4. Learned State counsel, appearing on advance notice, vehemently opposed the prayer for grant of regular bail to the petitioner and submitted that in case the petitioner is granted the concession of regular bail, he would misuse the same. He submitted that the contraband is of commercial quantity which has been recovered from the co-accused, on whose disclosure statement the petitioner has been arrested as he was the supplier of the said contraband. Therefore, he is not entitled for the grant of concession of regular bail.

5. Heard.

6. In view of the submissions of learned counsel for the petitioner and the fact that the petitioner is in custody for more than eight months; he has been nominated as an accused only on the basis of disclosure statement; the co-accused namely Jitender Singh and Kavi Raj have already been granted bail by the Co-ordinate Bench vide orders referred to above and the

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trial would take sufficient time to conclude, this Court deems it a fit case to grant the concession of regular bail to the petitioner.

7. Therefore, without expressing any opinion on the merits of the case, the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing requisite bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate concerned.

8. However, it is made clear that in case after release the petitioner is found to be indulged in any such activity, the prosecution will be at liberty to move an application for cancellation of his bail.

01.09.2025

Sima

Whether speaking/reasoned

Whether reportable

Yes/No

Yes/No

(SUBHAS MEHLA)

JUDGE