



**In the High Court for the States of Punjab and Haryana
at Chandigarh**

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CRM-M-44811-2025 (O&M)
Date of Decision:- 01.12.2025

Amit @ Kalia ... Petitioner
Versus
State of Haryana ... Respondent

CORAM: HON'BLE MR. JUSTICE SUBHAS MEHLA

Present:- Mr. Sushil Sheoran, Advocate for the petitioner.
Mr. Aditya Pal Singla, AAG, Haryana.

SUBHAS MEHLA, J. (Oral)

1. By way of the present petition, the petitioner is seeking regular bail in case FIR No.153 dated 09.04.2025 registered under Section 20(b) (ii)B/25 of Narcotic Drugs and Psychotropic Substances Act, 1985, at Police Station Bhiwani Sadar, District Bhiwani.
2. Learned counsel for the petitioner contended that the present petitioner has been falsely implicated in the present case as nothing has been recovered from him and the allegation against him is that he was guiding the co-accused regarding the presence of police party on the way. The contraband recovered i.e. 10.844 kilograms of ‘Ganja’ from co-accused falls under non-commercial quantity and there is a discrepancy in the material collected by the police regarding call detail records and location of the petitioner. He further contended that investigation has already been completed; charges have been framed; out of 27 prosecution witnesses, 5 witnesses have been



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(2)

examined; and trial will take time to conclude, thus, the petitioner deserves to be granted concession of regular bail.

3. Status report dated 06.11.2025 by way of an affidavit of Sh.Anoop Kumar, HPS, Deputy Superintendent of Police, Bhiwani-II, Bhiwani, Haryana already filed in the Registry, is taken on record.

4. Learned State counsel has produced the custody certificate of the petitioner, which shows that the petitioner is behind bars since the last about 7 months and 19 days. Custody certificate is taken on record. He has opposed the prayer for grant of regular bail to the petitioner by submitting that the petitioner is a habitual offender as he is involved in 6 other cases of similar nature; and if the petitioner released on bail, he will tamper with prosecution evidence. Thus, learned State counsel prays for dismissal of regular bail petition of the petitioner.

5. Heard.

6. Keeping in view the facts and circumstances of the present case; nothing has been recovered from the petitioner; the contraband recovered from co-accused, Siddharth @ Kaku, i.e. 10.844 kilograms of 'Ganja', falls under non-commercial quantity; petitioner is in custody for the last 07 months and 19 days; trial will take sufficient time to conclude as 5 PWs out of 27 PWs have been examined; as the remaining witnesses are police officials; there is no apprehension that if the petitioner releases on bail, he will tamper with the prosecution evidence; and no fruitful purpose would be served by keeping him in custody for any further period, as concession of bail cannot be denied just as a measure of punishment as culpability is to be decided by trial Court after appreciating evidence adduced by the parties, and it is a trite



principle of criminal jurisprudence that bail is rule, jail is an exception, 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, subject to the condition that his presence can be secured during trial.

8. Nothing observed hereinabove shall be construed to be expression of an opinion by this Court on merits of the case. The learned Court below is directed to proceed with the matter on its own merits, lest it may prejudice the trial.

01.12.2025
Geeta

(SUBHAS MEHLA)
JUDGE

Whether speaking /reasoned	Yes / No
Whether Reportable	Yes / No