



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

237

CRM-M-45116-2025
Decided on : 25.08.2025

Jagrup . . . Petitioner(s)

Versus

State of Haryana . . . Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. Vikas Bishnoi, Advocate, for the petitioner(s).

Mr. Amish Sharma, AAG, Haryana.

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 First Information Report, as detailed hereunder:-

Name of Petitioner(s)	FIR No.	Date	Section(s)	Police Station	District
Jagrup	191	25.06.2023	20(b)(ii)C, 27-A, 29 of NDPS Act, 1985 and 201 of IPC	Uklana	Hisar

2. Learned counsel for the petitioner contends that from the possession of the petitioner, the alleged recovery of 2.5 kgs of charas was made, which exceeds the maximum limit for non-commercial quantity, and therefore falls within the ambit of commercial quantity. It is further



submitted that there are a total of 24 prosecution witnesses, but only 6 have been examined so far. Counsel further submits that trial is not progressing at the required pace & as despite the petitioner being in custody for over 2 years, the trial remains at a standstill.

3. Learned counsel for the petitioner further submits that petitioner is 34 years old and should be given an opportunity to rehabilitate himself in society and resume a normal life, as he has not been found to be involved in any similar activities.

4. Learned counsel for the petitioner also submits that co-accused, namely Sudhir Singh and Sanjay, who were implicated based on their disclosure statements, have already been granted regular bail by the Coordinate Benches of this Court by orders dated 15.07.2024 (CRM-M-929-2024) and 12.12.2024 (CRM-M-34710-2024), respectively. Counsel submits that another co-accused, Rakesh, has also been granted regular bail by this Court by order dated 13.08.2025 in CRM-M-43194-2025 (P-4). Thus, claiming parity, learned counsel prays for the grant of regular bail to the petitioner.

5. While opposing the petitioner's prayer, learned State counsel submits that the petitioner has indeed been in custody for a period of more than two years. He also acknowledges that the petitioner has not been found involved in any other similar case. However, considering the nature of the allegations against the petitioner, he contends that the petitioner does not deserve the concession of bail.

6. Having heard learned counsel for the parties and perused the



record, this Court is mindful of the fact that the alleged recovery of 2.5 kg of charas was made from the possession of the petitioner, which exceeds the threshold of 1 kg prescribed for “commercial quantity” under the NDPS Act, 1985, thereby invoking the rigours of Section 37 of the Act. It is further observed that although there are 24 prosecution witnesses in total, only 06 have been examined so far, and the trial is proceeding at a slow pace despite petitioner is in custody for over two years. Additionally, petitioner has not been involved in any other similar offence, and his co-accused, namely Sudhir Singh, Sanjay, and Rakesh, have already been granted the concession of regular bail. Under these circumstances, the plea for grant of regular bail on the grounds of prolonged incarceration and parity deserves consideration.

7. 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.

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

9. 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.

10. It is further made clear that if, in future, petitioner is directly



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found indulged in similar kind of activities, this order shall be deemed to be cancelled.

11. Petition stands disposed of.

(SANJAY VASHISTH)
JUDGE

August 25, 2025

Rashmi

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No