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

CRM-M-46535-2025

Date of decision : 05.12.2025

Salim @ Saleem

....Petitioner

versus

State of Haryana

..... Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Manvender Chauhan, Advocate
for the petitioner.

Mr. Tanuj Sharma, A.A.G., Haryana.

RAJESH BHARDWAJ, J. (Oral)

1. Present petition has been filed for grant of regular bail in case FIR No.0335 dated 06.09.2024, under Sections 20(b) (ii)B of NDPS Act (Section 29 of NDPS Act, added lateron), registered at Police Station City Sohana, District Gurugram.

2. Succinctly, the facts of the present case are that the police party, while on patrolling on 06.09.2024, received a secret information to the effect that Rahul Yadav is involved in smuggling of Ganja. It was informed that he would come on his motorcycle and if the barricading is laid, he could be arrested along with the contraband. On receiving the information, barricading was laid and a person on the motorcycle was seen coming. He was carrying a bag on his back. He was suspected to be carrying some contraband in the same thus, he was stopped. On asking, he disclosed his name to be Rahul Yadav. On conducting the search of the bag, 05 kgs 170 grams of ganja was recovered, however, he failed to produce any licence regarding possession of the same. Thus, he was arrested on spot. On registration of FIR, investigation commenced.

Samples taken were sent to the FSL. During investigation, he made a



disclosure about the complicity of the petitioner who was alleged to be supplier of the contraband, thus, the petitioner was arrayed as an accused and he was arrested on 04.06.2025. On receipt of FSL report, challan was presented and on framing of charges, the trial commenced. The petitioner approached Learned Additional Sessions Judge, Gurugram praying for grant of bail, however, finding no merit, the same was declined after hearing both the sides by Learned trial Court vide order dated 29.07.2025. Aggrieved by the same, the petitioner is before this Court by way of filing of present petition for grant of bail.

3. Learned counsel for the petitioner has contended that the petitioner has been falsely implicated in the present case on the basis of disclosure statement of the co-accused, which is not an admissible evidence. He submits that petitioner was convicted in FIR No.87 dated 24.04.2020 and was sentenced to undergo 10 years of rigorous imprisonment and his sentence was suspended by this Court vide order dated 19.07.2025, however, in a premeditated manner, the petitioner was implicated in the present case on the basis of disclosure statement. He submits that even otherwise the alleged recovery from the co-accused is non-commercial in nature and thus, provisions of Section 37 of NDPS Act, are not attracted in the present case. He thus, submits that in the facts and circumstances of the case, the petitioner deserves to be granted bail.

4. Per contra, learned State counsel has opposed the submissions made by the counsel for the petitioner and submits that complicity of the petitioner was duly established during investigation. He submits that the petitioner is a habitual offender. He, on instructions, has submitted that out of total 23 prosecution witnesses, only 02 witnesses have been examined. He has placed on record the custody certificate of



the petitioner.

5. After hearing counsel for the parties and perusing the record, it is deciphered that the petitioner in the present case has been arrayed on the basis of disclosure statement of the co-accused. Though the petitioner is convicted in one more case, in which his sentence was suspended, however, about 02 months prior to the suspension, he was arrested in the present FIR. As per custody certificate, petitioner has suffered an incarceration of 06 months and 01 day as on 03.12.2025. As submitted before this Court, out of total 23 prosecution witnesses, only 02 witnesses have been examined so far.

6. The veracity of the allegations would be assessed only after conclusion of the trial and on the appreciation of evidence to be led by both the parties before the trial Court.

7. The trial of the case will take sufficiently long time. Thus, keeping in view the overall facts and circumstances of the case, this Court is of the opinion that learned counsel for the petitioner succeeds in making out a case for grant of regular bail to the petitioner. Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

05.12.2025

ps-I

(RAJESH BHARDWAJ)

JUDGE

Whether speaking/reasoned

: Yes/No

Whether reportable

: Yes/No