

2025:PHHC:055731



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

222

CRM-M-51295-2024 (O&M)

Date of decision: 30.04.2025

Sukhdev Singh**...Petitioner****Versus****State of Haryana****...Respondent****CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present:- Mr. Deepak Vashishth, Advocate
for the petitioner.

Mr. Apoorv Garg, Senior DAG, Haryana.

MANISHA BATRA, J. (Oral)

1. This petition has been filed by the petitioner under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 seeking regular bail in case bearing FIR No. 14 dated 23.01.2023, registered under Section 20(b)(ii)(C) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (*for short 'NDPS Act'*) at Police Station Manesar, District Gurugram.

2. Brief facts of the case relevant for the purpose of disposal of this petition are that on 23.01.2023, on the basis of a secret information, the petitioner along with co-accused Priyanka was apprehended by a police party headed by SI Shyam Singh and recovery of 70 kgs. of Ganja was effected from them. They were formally arrested at the spot. After completion of necessary investigation and usual formalities, *challan* under was presented in the Court and presently, the petitioner along with co-accused is facing trial for commission of aforementioned offence. He had moved an application before the learned trial Court for grant of regular bail but the same had been dismissed, vide order dated 05.09.2024.

2025:PHHC:055731



3. Learned counsel for the petitioner has argued that the petitioner has been falsely implicated in this case. The alleged recovery was in fact effected from a rented accommodation and he was not aware about the concealment of any such contraband therein. Mandatory provisions of Section 42 of the NDPS Act were not complied with properly. Even otherwise, investigation has since been completed and *challan* has been filed. The petitioner is in custody since 23.01.2023. Trial would still take a long time to conclude. No useful purpose would be served by keeping him in custody anymore. Similarly situated co-accused Priyanka has already been granted concession of regular bail by this Court, vide order dated 16.07.2024 passed in ***CRM-M-11497-2024***. On the grounds of parity, the petitioner too deserves the same benefit. It is, therefore, urged that the petition deserves to be allowed.

4. Status report has been filed by the respondent-State. It is submitted therein and learned Senior Deputy Advocate General, Haryana has argued that the petitioner is not entitled to get benefit of bail as a huge quantity of the contraband was recovered from him. Trial may be expedited. It is also argued that if the petitioner is released on bail, he can abscond or indulge in similar offences. Hence, it is urged that the petition is liable to be dismissed.

5. I have heard learned counsel for the parties at considerable length and have also gone through the record carefully.

6. As per the allegations, the petitioner and his wife co-accused Priyanka were apprehended on 23.01.2023 and recovery of 70 kgs. of Ganja was effected from them. Investigation has since been completed and *challan* has been filed. Trial is going on. There are total 20 prosecution witnesses, out of

2025:PHHC:055731



which, 05 witnesses have been examined so far, which means that conclusion of trial is likely to take some time. The petitioner is in custody since 23.01.2023. He is not shown to be involved in any other case. Similarly situated co-accused Priyanka has already been granted concession of regular bail by this Court, as mentioned above. Keeping in view the aforesaid facts and circumstances, this Court is of the considered opinion that no useful purpose would be served by keeping the petitioner in custody anymore. Accordingly, the present petition is allowed. The petitioner is ordered to be released on regular bail, subject to his furnishing personal/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned. However, it will be open for the prosecution to apply for cancellation of bail in case the petitioner is found involved in any other subsequent case.

8. It is made clear that any observation made herein above is only for the purpose of deciding the present petition and the same shall have no bearing on the merits of the case.

30.04.2025

Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No