



CRM-M-51350-2024 1

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CRM-M-51350-2024  
Decided on: February 18, 2025

Manoj @ Ramender .....Petitioner  
Versus  
State of Haryana .....Respondent

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. Manoj Sharma, Advocate  
for the petitioner.  
  
Mr. Kanwar Sanjiv Kumar, AAG, Haryana,  
assisted by SI Rajender Singh, No. 791/J,  
Police Station Uchana, District Jind.  
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SANJAY VASHISTH, J.

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                               | FIR No. | Date       | Section(s)                 | Police Station | District |
|--------------------------------------------------|---------|------------|----------------------------|----------------|----------|
| Manoj @ Ramender s/o Satbir Singh, aged 39 years | 07      | 04.01.2024 | 20-61-85 of NDPS Act, 1985 | Uchana         | Jind     |

2. Learned counsel for the petitioner contends that –  
  
(i) There is alleged recovery of 4.77 Kgs. of Charas from the co-accused Anil.



- (ii) The contraband was found from a black polythene bag which was in the hand of the co-accused Anil, and the same was recovered by the police from him. Thus, there is no recovery of the contraband from the possession of the present petitioner.
- (iii) The conscious possession of the contraband would be a moot question, which would arise at the final stage of the trial, subject to the nature of the evidence to be led by the prosecution.
- (iv) The petitioner is not involved in any other similar activity.
- (v) The identity of the petitioner is also disputed because his actual name is 'Ramender' and not 'Manoj'. Thus, the secret information received by the police in the name of one of the accused Manoj may not be in relation to the present petitioner.
- (vi) The motorcycle recovered also does not belong to the petitioner. Thus, connectivity of the petitioner with the recovered contraband is not established even on *prima facie* basis, and the same would be subject to the final stage of trial.
- (vii) The petitioner is inside jail for the last 01 year 01 month and 08 days.
- (ix) After completion of investigation, final report (challan) has been submitted and out of 27 prosecution witnesses, none



has been examined till date. Trial is not likely to be culminated in the near future. Thus, prays for grant of bail.

3. On advance notice and in response to the arguments addressed by learned counsel for the petitioner, learned State counsel, produces the custody certificate dated 15.02.2025, in Court today, which is taken on record. Office to tag the same at appropriate place. A copy thereof has been handed over to the counsel for the petitioner.

As per the custody certificate, in the present case, petitioner has already undergone 01 year 01 month and 08 days period inside jail. Learned State counsel also endorses the argument about non-involvement of the petitioner in any other criminal case or even in similar activity. Learned State counsel also admits that till date none of the prosecution witnesses has been examined and that in the name of Manoj @ Ramender, no documentary evidence is found available. As per the instructions received by him during course of arguments, learned State counsel submits that in the secret information, parentage of the petitioner matches with the parentage of accused, which is mentioned in the FIR. and there is no other case registered against him. Thus, opposes the contentions of the petitioner.

5. After hearing learned counsel for the parties and perusing the relevant material on record with their able assistance, this Court finds substance in the submissions made by learned counsel for the petitioner. The petitioner is inside jail for the last 01 year 01 month and 08 days. After completion of investigation, and submission of final report (challan), till date none of the prosecution witnesses has been examined,



despite the list of 27 witnesses. The petitioner is not found involved in any criminal case or similar activity.

6. In view of totality of circumstances, and the facts/allegations levelled against the petitioner, and the factors noticed hereinabove, I deem it appropriate to grant the concession of bail to the petitioner.

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

11. Petition stands disposed of.

(SANJAY VASHISTH)  
JUDGE

February 18, 2025

Pkapoor

Whether Speaking/Reasoned: ~~YES~~/NO  
Whether Reportable: ~~YES~~/NO