

2025:PHHC:096461



229 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-52159-2024
Date of Decision: 30.07.2025

Rajesh Kumar ...Petitioner

Versus

State of Haryana and others ...Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Devender Kumar, Advocate
for the petitioner.

Ms. Diya Sodhi, Sr. DAG, Haryana.

RAJESH BHARDWAJ, J. (ORAL)

1. Instant petition has been filed under Section 483 of BNSS, 2023 seeking regular bail in case FIR No.129 dated 14.05.2019 under Sections 20/61 of the Narcotic Drugs and Psychotropic Substances Act, 1985 and Section 120-B of IPC, registered at Police Station Hassanpur, District Palwal.
2. The petitioner in this case is already on interim bail vide order dated 13.01.2025, on account of delay in trial.
3. Learned counsel for the petitioner has vehemently contended that the petitioner even otherwise was falsely implicated in the present case. He has submitted that the FIR in the present case was registered on the basis of the secret information. He has submitted that as per the case of prosecution 713 Kg. ganja was recovered from the truck driven by the petitioner. He has submitted that the recovery as shown to have been recovered is totally planted

upon the petitioner and the co-accused. He has submitted that this Court had already granted interim bail to the petitioner on account of delay in trial as he has already undergone 05 years, 08 months and 10 days. He, thus, submits that in view of the facts and circumstances of the case, the petitioner deserves to be granted bail.

4. Learned State counsel vehemently opposed the submissions made by the counsel for the petitioner. She submits that the petitioner was granted interim bail by this Court vide order dated 13.01.2025, till the next date of hearing i.e. 27.02.2025. The case had been listed on 27.02.2025 and thereafter, on 29.04.2025 but this Court had not extended the interim bail granted to the petitioner. Thus, he is on bail without extension of the time.

5. Learned counsel for the petitioner submits that though the case was listed on 27.02.2025 and 29.04.2025 but the same was not taken up and was adjourned in routine. He submits that he had made the request before the Court and further he fairly submits that he has not filed the application for extension of interim bail but made the request that period of interim bail of the petitioner be extended. It is submitted that the same, however, has not been found mentioned in the order. He submits that the petitioner was granted interim bail by this Court on 13.01.2025 when he had completed incarceration of 05 years, 08 months and 10 days. He further submits that the petitioner is regularly appearing before the trial Court. He, thus, submits that the petitioner remained under the *bona fide* belief that his interim bail is in operation. It has been further submitted by the learned counsel for the petitioner that the petitioner was falsely implicated in the present case. He submits that even otherwise after having been granted interim bail, the petitioner is regularly appearing before the trial Court and he has not misused the concession of the

interim bail granted. Thus, in the facts and circumstances of the present case, his interim bail be continued.

6. Learned State counsel has opposed the prayer made by the counsel for the petitioner. She submits that the petitioner was the driver of the truck, from which a heavy commercial quantity of 713 Kg. ganja was recovered. She has produced the custody certificate of the petitioner and on instructions, she submits that there is no complaint etc. against the petitioner that he has misused the concession of the bail. She further submits that the petitioner is regularly appearing before the learned trial Court.

7. After hearing counsel for the parties and perusing the record, it is apparent that the petitioner was granted interim bail vide order dated 13.01.2025 and there is nothing on the record to show that the petitioner has misused the concession of interim bail. He has suffered incarceration of more than 05 years, 08 months and 10 days. There is no complaint that he has misused the concession of the bail. In view of the peculiar facts and circumstances of the present case, this Court finds that the interim bail granted to the petitioner be extended.

8. The veracity of the allegations would be assessed only after the conclusion of the trial and on the appreciation of evidence to be led by both the parties before the trial Court. This Court would refrain itself from commenting anything on the merits of the case. The trial of the case will take sufficient long time. Thus, keeping in view the arguments raised by both the sides, 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.

9. Accordingly, the interim bail granted by this Court vide order dated 13.01.2025 is made absolute subject to the bail bonds already furnished by the

petitioner. The petitioner is ordered to be released on bail during pendency of the main trial of the case.

10. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

30.07.2025
Parveen kumar

(RAJESH BHARDWAJ)
JUDGE

Whether speaking/reasoned :Yes/No
Whether reportable :Yes/No