



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

**CRM-M-49954-2025
Date of decision: 12.09.2025**

RUBAL

...PETITIONER

V/S

STATE OF HARYANA

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE SUBHAS MEHLA

Present: Mr. Rupender Singh, Advocate
for the petitioner.

SUBHAS MEHLA, J. (ORAL)

1. By way of the present petition, the petitioner is seeking regular bail in FIR No.95 dated 26.04.2025 under Sections 21(b) of NDPS Act, 1985 registered at Police Station Siwani, District Bhiwani, Haryana.
2. Learned counsel for the petitioner contended that the petitioner has been falsely involved in this case. He further contended that the alleged recovered contraband is 11.5 grams, which is marginally above the small quantity and falls under the ambit of intermediate quantity. Furthermore, the petitioner is not involved in any other criminal activity, except the present case and he is in custody since 27.04.2025 i.e. more than 04 months. Learned counsel further submitted that the investigation has already been completed qua the petitioner and the trial will take long time to conclude as co-accused are not arrested in this case by the investigating agency.
3. Notice of motion.



4. Mr. Arun Kumar Gujjar, AAG, Haryana, accepted the notice on behalf of the respondent-State and produced the custody certificate of the petitioner, which is taken on record. Learned State counsel vehemently opposed the prayer for grant of regular bail to the petitioner by submitting that he was arrested at the spot and at the time of conducting his search, contraband was recovered from his possession. Further, co-accused are yet to be arrested in the present matter.

5. Heard.

6. Keeping in view the facts and circumstances of the case and the fact that the investigation qua the present petitioner has already been completed; the alleged contraband falls under the category of non-commercial quantity; petitioner is in custody since 27.04.2025 i.e for the last more than four months; there is no material on record to show that he is involved in some other case except the present one as admitted by learned State counsel; trial will take sufficient time to conclude and no fruitful purpose would be served by keeping him in custody for any further period, as concession of bail cannot be denied just as measure of punishment and it is trite principle of criminal jurisprudence that bail is rule, jail is an exception, this Court deems it a fit case to grant the concession of regular bail to the petitioner.

7. Therefore, without expressing any opinion on the merits of the case, the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing requisite bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate concerned.

8. Nothing observed hereinabove shall be construed to be expression of an opinion by this Court on merits of the case. The learned Court below is directed to proceed with the matter on its own merits, lest it may prejudice the trial.

September 12, 2025
manisha

(SUBHAS MEHLA)
JUDGE

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| (i) | Whether speaking/reasoned | Yes/No |
| (ii) | Whether reportable | Yes/No |