



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

CRM-M-57922-2025
Date of decision: 29.11.2025

SOHAN SINGH

...PETITIONER

V/S

STATE OF HARYANA

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE SUBHAS MEHLA

Present: Mr. Satnam Singh Gill, Advocate
 for the petitioner.

Mr. Aditya Pal Singla, AAG, Haryana.

SUBHAS MEHLA, J. (ORAL)

1. By way of the present petition, the petitioner is seeking regular bail in case FIR No.213 dated 24.07.2024 registered under Section 15 of Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS Act') (Section 27A of NDPS Act added later on) at Police Station Sadar Pehowa, District Kurukshetra.

2. Learned counsel for the petitioner contended that petitioner is in custody since 26.07.2024 i.e. approximately for 01 year and 04 months; nothing was recovered from his possession and the alleged contraband was recovered from co-accused; as per the prosecution, the petitioner was the prospective buyer of the contraband; the petitioner was nominated in the present case on the basis of disclosure statement made by co-accused, which is inadmissible in evidence; except the disclosure statement, there is no evidence on record to prove the complicity of the petitioner; charges in the present case were framed on 21.01.2025 but not even a single witness has been examined

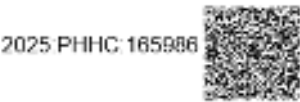


till date; keeping the petitioner incarcerated further would violate his fundamental right i.e. right of speedy trial, enshrined under Article 21 of Constitution of India. As such, the petitioner deserves to be granted bail.

3. Learned State counsel has produced the custody certificate of the petitioner, which is taken on record. Learned State counsel submitted that the petitioner is involved in drug trafficking as he was the prospective buyer of contraband, which was recovered from co-accused; huge quantity of contraband i.e. 326 kgs and 560 grams of Poppy Husk has been recovered from the co-accused in the present case and petitioner had also given an amount of Rs.50,000/- to co-accused with regard to purchase of contraband. However, learned State counsel fairly admitted that there is no proof regarding the aforesaid transaction; except the disclosure statement, nothing came on record during investigation, against the petitioner and antecedents of the petitioner are clear and clean except his involvement in one more case registered under Section 304-A of IPC i.e. road-side accident.

4. Heard.

5. Keeping in view the facts and circumstances of the present case and the fact that as per the custody certificate of the petitioner, he is in custody since 01.08.2024 i.e. approximately for the last 01 year, 04 months; nothing has been recovered from the petitioner; he is involved only on the basis of disclosure statement made by co-accused that the petitioner was the prospective buyer of the contraband, which is inadmissible in evidence; except the disclosure statement, there is nothing on record to support the case of the prosecution; petitioner had also given an amount of Rs.50,000/- to co-accused with regard to purchase of contraband, however, there is no proof regarding



the said transaction; trial will take sufficient time to conclude as out of total 17 prosecution witnesses, not even a single witness has been examined so far. No fruitful purpose would be served by keeping the petitioner in custody for any further period, as concession of bail cannot be denied just as a measure of punishment as culpability of accused is to be decided after appreciating evidence adduced by both parties and it is a 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.

6. 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.

7. 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.

November 29, 2025
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(SUBHAS MEHLA)
JUDGE

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