



**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

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CRM-M-62724-2024 (O&M)

Date of Decision:- 28.05.2025

DINESH KUMAR ALIAS DINESH KUMAR YADAV

....Petitioner(s)

Versus

STATE OF HARYANA

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJIV BERRY

Present : Mr. Suvir Sidhu, Advocate for the petitioner.

Mr. Surender Singh, A.A.G. Haryana.

SANJIV BERRY, J. (ORAL)

CRM-20834-2025

At the outset, learned counsel for the petitioner does not press the instant application at this stage.

Ordered accordingly.

CRM-M-62724-2024

1. Status report dated 27.05.2025 filed in the form of an affidavit of Assistant Commissioner of Police, Crime Bahadurgarh, District Jhajjar, is taken on record. Copy thereof has been supplied to learned counsel for the petitioner.
2. Arguments heard.
3. The instant petition has been preferred by the petitioner under Section 483 Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of regular



bail to the petitioner in the following case :-

FIR No.	Dated	Sections	Police Station
310	08.11.2024	22(c), 29 NDPS Act; 238 Bharatiya Nyaya Sanhita, 2023	Sector 6, Bahadurgarh, District Jhajjar

4. It is, *inter alia*, contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in this case on the alleged disclosure statement of co-accused Sahil Rathi, from whom the alleged contraband was recovered. Subsequently, as per the case of prosecution, 05 injections of Tramadol were recovered from the possession of the petitioner, however, the same does not fall within the purview of commercial quantity. He submits that the petitioner is in custody since 10.11.2024 and he is also suffering from medical complications, as has been mentioned in the application i.e. CRM-20834-2025, which is duly supported with medical record. He submits that after the completion of investigation, challan has been presented in Court and the conclusion of trial will take sufficient long time. Thus, prays for grant of concession of bail to the petitioner.

5. *Per contra*, learned State counsel while referring to the reply filed by the State has opposed the petition on the ground that the petitioner was found involved in the business of drug trafficking. However, on a query, he has not disputed the fact that the recovery of contraband effected from the petitioner does not fall within the purview of commercial quantity. He has also not disputed the factual matrix regarding the medical condition of the



petitioner.

6. After considering the rival contentions and perusing the record, it transpires that as per the case of prosecution, the petitioner was not named in the FIR but has been nominated on the disclosure statement of co-accused Sahil Rathi and subsequently 05 injections of Tramadol were recovered from the possession of the petitioner, which admittedly, does not fall within the ambit of commercial quantity. The petitioner is in custody since 10.11.2024 and after the completion of investigation, challan has been presented in Court, wherein the prosecution has cited 52 witnesses and none has been examined till date. The petitioner is not having any criminal case registered against him and the criminal liability, if any, of the petitioner, could only be determined after the conclusion of trial, which may take sufficient long time. In the circumstances, no purpose would be served by detaining the petitioner any longer.

7. Consequently, without commenting on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court/Judge on Duty/Duty Magistrate concerned, if not required in any other case; undertaking to regularly appear on each and every date; not to leave the country without prior permission of the Court; and not to tamper with evidence of prosecution in any manner.

8. It is further made clear that in case the petitioner is again found involved in any case under NDPS Act, in future, after his release on bail, it will be open for the prosecution to move an application for cancellation of



his bail in accordance with law.

9. Any observation made above shall not be construed as opinion of this Court on the merits of the case.
10. Pending miscellaneous application(s), if any, stands disposed of.

(SANJIV BERRY)
JUDGE

28.05.2025
S.Sharma(syr)

i)	Whether speaking/reasoned?	Yes/No
ii)	Whether reportable?	Yes/No