

2025:PHHC:163034



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

211

CRM-M-64802-2025
Date of Decision: 21.11.2025

AMIT

... Petitioner

VERSUS

STATE OF HARYANA

... Respondent

CORAM: HON'BLE MR. JUSTICE H.S. GREWAL.

Present: Mr. Nitin Gupta, Advocate for the petitioner.
Mr. Rakesh Kumar Jangra, AAG, Haryana.

H.S. GREWAL, J. (ORAL)

This petition has been filed under Section 483 of BNSS, 2023 for grant of regular bail to the petitioner in case FIR No.261 dated 30.08.2025 under Sections 21(B) of NDPS Act, 1985 (Section 29 of NDPS Act, 1985 and Section 111(1) of BNS, 2023 added later on) registered at Police Station Bawani Khera, District Bhiwani.

2. The case of prosecution is that on secret information Mandeep @ Bona, Sawan @ Bagri, Aman @ Chintu and Pardeep @ Boli were apprehended by the investigating team and 39.48 grams of heroin was recovered collectively from them, which comes about 9.5 grams per person. Further, on the basis of disclosure statement of the said persons, the petitioner herein was arrested in this case as he was disclosed to be the supplier of the recovered drugs/ contraband.

3. Counsel for the petitioner submits that the petitioner has been falsely implicated in the present case on the basis of disclosure statement of his co-accused. He further submits that the statement made by any accused during the custody of police has no sanctity in the eyes of law. Moreover, no contraband/drug has been recovered from the petitioner except for an amount of Rs.5,000/-, one mobile phone and one motorcycle. Counsel for the petitioner further submits that the petitioner is in custody for the last 02 months and 20 days and there is no other criminal case registered against the petitioner. The trial of the case is yet to commence and the same is likely to take a long time to conclude. Hence, the counsel prays for grant of regular bail to the petitioner.

4. Notice of motion.

5. Mr. Rakesh Kumar Jangra, AAG, Haryana accepts notice and vehemently opposes the petition for grant of bail and has filed the custody certificate dated 19.11.2025 in the Court today, which is taken on record. He further submits that as per custody certificate, the petitioner is in custody for the last 02 months and 20 days and he prays for dismissal of the present petition.

6. I have heard the learned counsel for the parties and perused the record.

7. Undoubtedly, the allegations against the petitioner are serious as he has been disclosed to be the supplier of recovered contraband. However, the learned State Counsel is not in a position to deny that no contraband/drug has been recovered from the petitioner. Whether the amount recovered from the petitioner is drug money or not is a matter of evidence and can be proved only

during the course of trial. Moreover, the petitioner is of tender age of 21 years and keeping him inside the jail can bring him in contact with other hardcore criminals/offenders, which may certainly impact his future. He has already undergone a custody of 02 months and 20 days and the trial is yet to commence, which may take a long time to conclude. The speedy trial is a material right of an accused, which could not be infringed and he cannot be kept behind bars for long, especially when his guilt is yet to be proved in accordance with law. Hence, this Court deems it appropriate to grant the concession of regular bail to the petitioner at this stage.

8. Keeping in view the facts and circumstances of the case that the petitioner has already undergone a custody of 2 months and 20 days and the trial is yet to commence, which may take a long time to conclude, this Court is of the opinion that the petitioner deserves the concession of regular bail. Moreover, bail is rule and jail is exception. Since the continuous detention of the petitioner would not serve the ends of justice, this Court deems it fit to grant the concession of regular bail to the petitioner during the pendency of the trial.

9. 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 bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

10. It is clarified that if while on bail so granted through the instant order, the petitioner is found indulged in any other criminal case/activity, it shall be open to the State to seek cancellation of his bail.

11. Nothing discussed hereinabove shall be construed as an expression of opinion on the merits of the case.

NOVEMBER 21, 2025.

Rajender

(H.S. GREWAL)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No