



CRM-M-3090-2026

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

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Decided on : 06.05.2026

Tushar

... Petitioner(s)

Versus

State of Haryana

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present : Mr. R.S. Jhand, Advocate for the petitioner(s).

Mr. Amish Sharma, AAG Haryana

SANJAY VASHISTH, J. (Oral)

1. Present petition has been filed under Section 483 of BNSS, seeking grant of regular bail, in case, FIR No.397, dated 14.07.2024, under Sections 20(C), 29 and 27-A of NDPS Act, registered at Police Station City Tohana, District Fatehabad.

2. Learned counsel for the petitioner contends that, as per case of the prosecution, on the basis of secret information received by the police party, a raid was conducted during which a Tata truck (10-tyre) bearing registration No.HR 73-7308, loaded with goods in its rear body, was found parked on the opposite side of the road. Upon searching the truck, a young boy driving the vehicle disclosed his name as Sunil alias Malua, while the person seated on the conductor's side disclosed his name as Tushar (petitioner herein). Search of the truck cabin led to the recovery of five sacks of ganja (four bags contained 20 kg each Ganja and 1 bag contained 10 Kg Ganja) kept behind the driver's seat.

On the basis of disclosure statement of accused Sunil alias Malua, names of two other accused, namely Jagdip alias Jagdeep alias Kala and Kuldeep

Kumar alias Boxer were also mentioned and they were implicated in the present



case.

3. Learned counsel for the petitioner submits that petitioner is in custody since 14.07.2024, i.e., for a period of approximately 1 year, 9 months, and 21 days. Despite his interrogation, nothing incriminating was recovered from his possession to connect him with the alleged offence under the NDPS Act.

It is further argued that after completion of investigation, challan has already been presented and charges were also framed on 25.02.2025. There are total 25 prosecution witnesses, and till date, none has been examined. Thus, conclusion of trial is likely to take considerable time. Thus, counsel prays for grant of regular bail to the petitioner.

4. In response to the arguments addressed by learned counsel for the petitioner, learned State counsel, produces the custody certificate in the Court today, which is taken on record. Office to tag the same at appropriate place. A copy thereof has been handed over to the counsel for the petitioner.

As per the custody certificate, in the present case, the petitioner has already undergone 01 year, 09 months and 21 days, period inside jail.

5. Learned State counsel, while opposing the prayer and submissions advanced on behalf of the petitioner, submits that petitioner does not deserve any sympathetic consideration for the purpose of bail. Thus, prays for dismissal of the petition.

6. This Court has heard the submissions addressed by learned counsel for the parties and has also perused the record available on file.

7. Admittedly, petitioner is in custody since 14.07.2024, i.e., for a period of about 1 year, 9 months, and 21 days, and till date, none out of total 25 prosecution witnesses has been examined.



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Further, co-accused Jagdip @ Jagdeep @ Kala and Kuldeep Kumar @ Boxer have already been granted regular bail by this Court vide common order dated 12.12.2025 passed in CRM-M-51278-2025 and CRM-M-54554-2025.

8. In view of the totality of circumstances, including the nature of allegations, the prolonged incarceration already undergone by the petitioner without the examination of even a single prosecution witness, absence of any recovery from his possession, and the factors noticed hereinabove, this Court deems it appropriate to extend the concession of regular bail to the petitioner.

Consequently, prayer made in the present petition is allowed. Petitioner is ordered to be released on bail, subject to his furnishing bail/surety bonds to the satisfaction of the learned trial Court/ Chief Judicial Magistrate/ Illaqa Magistrate/ Duty Magistrate concerned, if not required in any other case.

9. Needless to observe that the petitioner shall not extend any threat and shall not influence any prosecution witness in any manner directly or indirectly.

10. Any of the discussion done and recorded here above, shall not be construed as an expression of opinion on the facts of the case. Therefore, trial Court is expected to decide the case by taking an independent view, on the basis of evidence available on record, as expeditiously as possible, in accordance with law.

11. It is further made clear that if, in future, petitioner is directly found indulged in similar kind of activities, this order shall be deemed to be cancelled.

12. **Petition stands disposed of.**

May 06, 2026

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Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No

(SANJAY VASHISTH)
JUDGE