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

CRM-M-4984-2026 (O&M)

Date of decision: 26.05.2026

Somraj @ Soma

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE SUBHAS MEHLA

Present: Mr. Kawalpreet Singh Virk, Advocate and
Ms. Payal Sharma, Advocate
for the petitioner.

Mr. Ramesh Kumar Ambavta, DAG, Haryana.

SUBHAS MEHLA, J. (ORAL)

1. By way of present petition filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'the BNSS'), the petitioner is seeking regular bail in the case bearing FIR No.316 dated 27.10.2023 under Sections 15(C) and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'the NDPS Act') (Section 29 of NDPS Act added during investigation), registered at Police Station Sadar Palwal, District Palwal.

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2. The brief facts of the case are that on the basis of secret information, co-accused Jitender and Sunil were apprehended and recovery of 4015 kgs of Chura Post (poppy husk) was effected from them. Role attributed to the petitioner is that he introduced co-accused Jitender and Sunil with another co-accused Bhagi and thus, he is the mediator of the deal.

3. Learned counsel for the petitioner prayed for grant of regular bail to the present petitioner on the following grounds: -

- (i) He is nominated on the basis of disclosure statement of co-accused Sunil and except that, there is no other material qua him;
- (ii) Co-accused, namely Vivek Kumar @ Dablu, who was nominated on the basis of disclosure statement made by co-accused Jitender and Sunil regarding supply of alleged recovered contraband, has already been granted the concession of regular bail by this Court vide order dated 08.04.2025 passed in CRM-M-27996-2024 (Annexure P-3);
- (iii) Co-accused, namely Jitender and Sunil, who were apprehended at the spot and alleged contraband was recovered from them, were also granted the concession of regular bail by this Court vide orders dated 23.07.2025 passed in CRM-M-29422-2025 (Annexure P-4) and dated 24.09.2025 passed in CRM-M-44380-2025 (Annexure P-5);
- (iv) Co-accused Bhagi, from whom the alleged contraband was

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purchased, has not been arrested till date in the present case;

(v) Petitioner is not involved in any other case under the NDPS Act;
and

(vi) Investigation qua petitioner is complete, challan stands presented, charges have been framed and now the case is fixed for prosecution evidence.

4. On the other hand, learned State counsel has opposed the prayer of the petitioner on the following grounds: -

- (i) Present petitioner along with co-accused is involved in drug trafficking;
- (ii) Huge quantity of alleged contraband was recovered from co-accused;
- (iii) Petitioner acted as a mediator between the supplier of the alleged contraband and the co-accused.

However, he did not dispute the fact that case of the petitioner is on similar footing with co-accused, namely, Vivek Kumar @ Dablu, who has already been granted the concession of regular bail by this Court vide order dated 08.04.2025 passed in CRM-M-27996-2024 (Annexure P-3) and that investigation qua petitioner is complete and now the proceedings are at the stage of prosecution evidence.

5. Heard.

6. Keeping in view the facts and circumstances of the present case,

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this Court finds merit in the present petition for grant of concession of regular bail to the petitioner on the following grounds: -

- (a) Petitioner has been in custody since 14.11.2025 i.e. for the last more than 06 months;
- (b) He was nominated in the aforementioned FIR solely on the basis of disclosure statement of co-accused and there is no other evidence on record to show his complicity in the present offence;
- (b) The case of the petitioner is on similar footings with co-accused, namely, Vivek Kumar @ Dablu, who has already been granted the concession of regular bail by this Court vide order dated 08.04.2025 passed in CRM-M-27996-2024 (Annexure P-3);
- (c) Co-accused, namely Jitender and Sunil, who were arrested at the spot and alleged recovery of contraband was made from them, have also been granted the concession of regular bail by this Court vide orders dated 23.07.2025 and 24.09.2025 passed in CRM-M-29422-2025 and CRM-M-44380-2025 (Annexures P-4 and P-5) respectively;
- (d) Petitioner is not involved in any other case under the provisions of the NDPS Act; and
- (e) Trial will take sufficient time to conclude. No fruitful purpose would be served by keeping the petitioner in custody for any further period.

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7. 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 the parties. 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.

8. 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.

9. The pending miscellaneous application(s), if any, also stand(s) disposed of.

26.05.2026

vishnu

[SUBHAS MEHLA]
JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No