

28.04.2026
poonam

Whether Speaking/Reasoned: **YES/NO**
Whether Reportable: **YES/NO**



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

214

CRM-M-5176-2026

Decided on : 28.04.2026

Rakesh Kumar alias Rupesh Kumar alias Rukesh Kumar

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

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

Mr. Vinay Malhotra, DAG, Punjab.

SANJAY VASHISTH, J.

The instant petition has been filed under Section 483 of BNSS, 2023 (earlier Section 439 Cr.P.C.), for grant of regular bail to the petitioner, during the pendency of trial, who has been booked in a criminal case arising out of First Information Report, as detailed hereunder:-

Name of Petitioner(s)	FIR No.	Date	Section(s)	Police Station	District
Rakesh Kumar alias Rupesh Kumar alias Rukesh Kumar	33	04.04.2024	20 of NDPS Act	Tappa Mandi	Barnala

2. On 20.04.2026, following order was passed:-

“ From the possession of petitioner, there is a recovery of 1 Kg 300 grams of Sulpha (Charas).

Learned counsel for the petitioner submits that false case has been planted against him. He further submits that though the allegations are yet to be determined by the trial Court at final stage of the trial, however, proceedings before the trial Court are not moving at required pace. Reply dated 24.03.2026 on behalf of the respondent-State has been filed in the Court today. The same is taken on record. Registry is directed to tag the same at appropriate place.

Learned State counsel refers paragraph No. 12 of the status report

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and submits that all the prosecution witnesses already stand examined, therefore, there is no ground to consider the plea of bail at the stage of fag end of the trial.

As per order dated 18.08.2025 passed in CRM-M-31287- 2024 (Annexure P-2), at that time only one prosecution witness was left to be examined. Learned counsel for the petitioner refers to page 15 and submits that contention was wrongly addressed before the Court and as a matter of fact prosecution evidence is still going on and next date fixed before the trial Court is 24.04.2026.

List again on 28.04.2026.”

3. Learned counsel for the petitioner contends that petitioner is inside jail for the last more than a custody period of 02 years and 23 days. He further submits that petitioner is 32 years of age and is the sole bread earner of his family and has no prior record of involvement in any other case of a similar nature. Further argues that, as argued by the State on previous date of hearing, claiming that almost all the witnesses have been examined, is incorrect, and the process of recording of the statements of the witnesses is still going on. In support of his contention, counsel produces the copies of the orders dated 19/2/2026, 6/3/2026 and 21/4/2026 which clearly demonstrates that none of the witnesses were examined on those specific dates.

4. On advance notice and in response to the arguments addressed by learned counsel for the petitioner, learned State counsel, produces the custody certificate dated 27.04.2026 in Court today, which is taken on record. Registry to tag the same at appropriate place.

As per the custody certificate, in the present case, petitioner has already undergone 02 years and 23 days period inside jail and there is no other case registered against him.

5. After hearing learned counsel for the parties and perusing the relevant material on record with their able assistance, this Court finds

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substance in the submissions made by learned counsel for the petitioner by observing that though 1 kg 300 grams of sulphur (charas) has been recovered from the petitioner but he has already remained inside jail for a period exceeding 2 years and without proving of charges beyond reasonable doubt, petitioner cannot be detained inside jail for an indefinite period. Moreover, being a first time offender this Court is of the opinion that petitioner should be afforded an opportunity to rehabilitate himself in the society.

6. In view of totality of circumstances, and the facts/allegations levelled against the petitioner, and the factors noticed hereinabove, this Court deems it appropriate to grant the concession of 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.

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

8. 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.

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9. 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.

10. Petition stands disposed of.

(SANJAY VASHISTH)
JUDGE

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