



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr. No.213

CRM-M-14955-2026
Date of Decision: 12.05.2026

SUNNY KUMAR

...Petitioner

Versus

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MS. JUSTICE MANDEEP PANNU

Present:- Mr. Gurbir Singh Sandhu, Advocate and
Ms. Pallavi Bahri, Advocate
for the petitioner.

Mr. Vaibhav Sharma, AAG, Haryana.

MANDEEP PANNU, J. (Oral)

1. This is the first petition under Section 483 of BNSS (Section 439 Cr.P.C.) for grant of Regular Bail to the Petitioner in case FIR No. 192 dated 06.11.2024 under Section 20 of the Narcotic Drugs & Psychotropic Substances Act, 1985 and Section 29 of NDPS Act added later on registered at Police Station Panjokhra Sahib, Ambala.
2. Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. It is further submitted that nothing has been recovered from the conscious possession of the petitioner as whatever recovery i.e. 1kg 639 gms of Charas was effected that was from co-accused. It has been submitted that the petitioner is a man of clean antecedents as he is not involved in any other case. The petitioner has been



in custody for the last 01 years 06 months and 01 day and no useful purpose would be served by keeping the petitioner behind the bars for an indefinite period.

3. On the other hand, learned State counsel has opposed the grant of bail on the ground that the present case involves recovery of commercial quantity of contraband. It is contended that the petitioner-accused Sunny Kumar was found sitting on the driver's seat of car, while co-accused Kartik Bakshi was seated beside him, and during search proceedings, 1 kg 639 grams of charas was recovered from a bag carried by the co-accused.

4. I have considered the rival submissions and perused the material available on record. Admittedly, no recovery was effected from the petitioner, as the alleged recovery of 1 kg 639 grams of charas was made from the bag carried by the co-accused. The petitioner has remained in custody for the last 01 years 06 months and 01 day and the trial is likely to take some time to conclude. Moreover, the petitioner is a man of clean antecedents as he is not involved in any other case.

5. Reliance is placed upon a judgment of two-Judge Bench of the Hon'ble Supreme Court, in *Nandlal Mondal @ Abhay Mondal v. State of West Bengal, SLP (Crl.) No.12788/2023*, granted bail to the accused after 18 months of incarceration on the ground of delay in trial in an NDPS matter involving commercial quantity of contraband.

6. Reliance can be placed upon the judgment of the Hon'ble Apex Court rendered in "*Dataram versus State of Uttar Pradesh and another*", *2018(2) R.C.R. (Criminal) 131*, wherein it has been held that keeping



somebody behind the bars, till his guilt is proved, for an indefinite period amounts to infringement of his right to life and liberty, as enshrined under Article 21 of the Constitution of India and is against the principle “*bail is a rule*” and “*jail is an exception*”.

7. Without commenting on the merits of the case and keeping in view the overall facts and circumstances, this Court is of the opinion that the petitioner has made out a case for grant of regular bail.

8. Accordingly, the present petition is allowed and the petitioner is ordered to be released on regular bail subject to his furnishing bail/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate concerned.

9. However, it is made clear that nothing stated hereinabove shall be construed as an expression on the merits of the case.

10. All the pending miscellaneous application(s), if any, stands disposed of.

12.05.2026

Anu

(MANDEEP PANNU)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No