



CRM-M-19159-2026 (O&M) -1-

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

210

**CRM-M-19159-2026 (O&M)
Decided on: 17.04.2026**

DEEPAK

.....Petitioner

Versus

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MR. JUSTICE SUBHAS MEHLA

Present: Mr. Ravi Malik, Advocate
for the petitioner.

SUBHAS MEHLA, J. (Oral)

1. The present petition has been filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 seeking grant of regular bail in case bearing FIR No.157 dated 04.07.2025 under Section 20(C) of NDPS Act, 1985 (Sections 29/61/85 of NDPS Act, added later on), registered at Police Station Mundkati, District Palwal, Haryana.

2. Brief facts of the case are that on 03.07.2025, on receipt of secret information, police party apprehended co-accused namely, Sunil and Kali Charan sitting in a Car. On search of the vehicle, in the boot two bags weighing 21 kg 740 grams in total containing *Ganja* were recovered. During investigation, the co-accused namely Kali Charan & Sunil were found innocent and were later on , impleaded as witnesses in the present case. During investigation, co-accused Tara Chand and Deepak (the present petitioner) were arrested.



3. Learned counsel for the petitioner contended that the petitioner has been falsely implicated in the present case on the basis of a concocted story; the main accused from whom the alleged contraband was recovered, has been let off, and the present petitioner alongwith co-accused namely Tara Chand was involved in the present case on allegations that they intended to implicate Kali Charan and Sunil in a case of NDPS Act as, it is alleged that Tara Chand has a land dispute with Kali Charan. It is further alleged that co-accused Tara Chand has been granted the concession of regular bail by a Coordinate Bench of this Court vide order dated 16.02.2026 passed in CRM-M-66724-2025; the case of the present petitioner is on a better footing than that of co-accused Tara Chand who has already been granted the concession of regular bail; nothing has been recovered from the possession of the petitioner except the version put forward by the persons apprehended with the contraband which can be tested during the trial when they are subjected to cross examination; the petitioner is having clean & clear antecedents, no fruitful purpose would be served by keeping the petitioner behind the bars any further; trial will take sufficient time to conclude; the petitioner is stated to have been in custody since 14.07.2025 and as such, prays for grant of concession of regular bail to the petitioner.

4. Notice of motion.

5. Mr. Surender Singh Pannu, Addl. A.G., Haryana, who is present in Court, accepted notice on behalf of respondent-State, and by way of filing of custody certificate dated 16.04.2026, opposed the



concession of regular bail to the petitioner and submitted that the present petitioner alongwith co-accused hatched a conspiracy to implicate Kali Charan and Sunil under NDPS Act and for that purpose, they purchased Ganja and hired a car from where the alleged contraband was recovered and the quantity of said contraband falls under the category of commercial quantity. He, however, fairly admits that the petitioner is not involved in any criminal activity; the petitioner is in custody for a period of 09 months & 03 days.

6. Heard.

7. Taking into consideration the facts & circumstances of the present case and the contentions raised by learned counsel for the parties, it is an admitted fact that the contraband was recovered from the car and the present petitioner was not present at the spot and two persons namely Kali Charan & Sunil were present in the car; it is a case of the prosecution that the present petitioner alongwith co-accused made a plan to implicate the persons who were apprehended in this false case; the present petitioner was not apprehended at the spot and nothing has been recovered from him; the co-accused namely Tara Chand has already been granted the concession of regular bail by a Coordinate Bench of this Court vide order dated 16.02.2026 passed in CRM-M-66724-202; the case of the present petitioner is on similar footing; the present petitioner is in custody for the last more than 09 months; trial will take sufficient time to conclude and no fruitful purpose would be served by keeping him in custody for any further period, as concession of bail cannot be denied



just as a measure of punishment as culpability is to be decided by trial Court after appreciating evidence adduced by the parties, and 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. Nothing observed herein shall be construed as an opinion on the merits of the main case.

(SUBHAS MEHLA)
JUDGE

17.04.2026

Sonia Puri

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