



**In the High Court for the States of Punjab and Haryana at
Chandigarh**

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CRM-M-16579-2026 (O&M)
Date of Decision:- 15.05.2026

Gajender ... Petitioner
Versus
State of Haryana ... Respondent

CORAM: HON'BLE MR. JUSTICE SUBHAS MEHLA

Present:- Mr. Dinesh Maurya, Advocate for the petitioner.
Mr. Satbir Singh Goripuria, DAG, Haryana.

SUBHAS MEHLA, J. (Oral)

CRM-20875-2026

In view of the reasons mentioned in the application, the same is allowed and the hearing of the main petition is preponed from 20.07.2026 and the same is taken on Board today itself.

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1. By way of the 2nd petition, the petitioner is seeking regular bail in case bearing FIR No.44 dated 08.02.2021 registered under Section 22(b) of NDPS Act 1985, at Police Station Tosam, District Bhiwani.
2. Brief facts of the case are that on 07.02.2021, a raid was conducted on the shops of Baljeet and co-accused Mukesh on the basis of a secret information. Following contraband drugs were recovered from their possession:



(1) alprazolam 810 tablets (2) tramadol 152 capsules (3) clonazepam 230 tablets (4) tramadol injection 840 ML and (5) Lorazepam 4170 tablets.

Co-accused Baljeet and Mukesh failed to produce any permit or license to keep the same.

3. Learned counsel for the petitioner prayed for concession of bail to the petitioner on the following grounds:

- I. That the petitioner has been falsely implicated in the present case on the basis of disclosure statement of co-accused, namely, Baljeet and Mukesh, which is inadmissible in evidence.
- II. That the petitioner was earlier granted regular bail vide order dated 09.12.2022 (Annexure P-3) by learned Additional Sessions Judge, Bhiwani, but he filed an application for exemption from personal appearance on medical ground, however, learned trial Court rejected the same and his bail was cancelled vide order dated 02.12.2024 (Annexure P-4).
- III. The petitioner himself moved an application for surrender and for grant of bail and the same was also rejected vide order dated 11.11.2024.
- IV. He is in custody since 02.12.2024.
- V. Petitioner is having clean and clear antecedents and is not involved in any other criminal activity, except the present one.
- VI. The trial will take sufficient time to conclude and no fruitful purpose would be served by keeping the petitioner in custody.

4. Learned State Counsel opposed the present petition on the following grounds:

- I. That the present petitioner misused the concession of bail by not appearing before the trial Court.



- II. If he is again released on bail, there is apprehension that he will certainly misuse the concession of bail.

However, learned State counsel has fairly admitted that the petitioner is not involved in any other NDPS case except the present one.

5. Heard.

6. Keeping in view the submissions of learned counsel for the parties, facts and circumstances of the case, this Court finds merits in the present petition on the following grounds:

- I. That the petitioner was earlier granted regular bail on merits vide order dated 09.12.2022 (Annexure P-3) by learned additional Sessions Judge, Bhiwani.
- II. Except disclosure statement, there is no incriminating material on record against the accused.
- III. Absence of the petitioner on the relevant date, was due to medical ground, however, subsequent to cancellation of bail, he himself filed surrender application.
- IV. He is in custody since 02.12.2024.
- V. Petitioner has clean and clear antecedents and he is not involved in any other case except the present one.
- VI. The trial is likely to take considerable time to conclude.
- VII. No fruitful purpose would be served by keeping him in custody for any further period.

7. As concession of bail cannot be denied just as a measure of punishment and it is a trite principle of criminal jurisprudence that bail is a rule and jail is an exception. Hence, this Court deems it a fit case to grant the concession of regular bail to the petitioner.



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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.

15.05.2026
Geeta

(SUBHAS MEHLA)
JUDGE

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