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

**CRM-M No.18457 of 2026
Date of Decision: 10.04.2026
Date of Uploading: 10.04.2026**

Anil Kumar @ Sighania @ Neelu

.....Petitioner.

Versus

State of Haryana

.....Respondent.

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present:- Mr. Sahil Choudhary, Advocate
for the petitioner.

Mr. Deepak Kumar Grewal, DAG, Haryana.

SUMEET GOEL, J.(Oral)

Present petition has been filed under Section 483 of Bharatiya
Nagarik Suraksha Sanhita, 2023/439 Cr.P.C., for grant of regular bail to the
petitioner in case bearing FIR No.784 dated 09.12.2025, registered for the
offence punishable under Section 20 of the Narcotic Drugs and
Psychotropic Substances Act, 1985 (for short 'NDPS Act'), at Police
Station Samalkha, District Panipat.

2. The gravamen of the FIR in question is that the petitioner is an
accused of being involved in an FIR pertaining to NDPS Act involving
alleged recovery of 500 grams of *Charas* from the petitioner.

3. Learned counsel for the petitioner has submitted that the petitioner is in custody since 09.12.2025. Learned counsel has further submitted that the petitioner has falsely been implicated into the FIR in question. Learned counsel has further submitted that the mandatory provisions of the NDPS Act have not been scrupulously complied with, and hence, the prosecution version suffers from inherent defects. Learned counsel has further submitted that the contraband alleged to have been recovered from the petitioner is 500 grams of *Charas*, which is non-commercial in nature & hence, the provisions under Section 37 of the NDPS Act are not applicable. Thus, regular bail is prayed for.

4. Learned State counsel has opposed the present petition by arguing that the allegations raised are serious in nature and thus the petitioner does not deserve the concession of the regular bail. Learned State counsel has submitted that the petitioner has multiple other FIRs registered against him and hence, he ought not to be released on regular bail. Learned State counsel seeks to place on record custody certificate dated 09.04.2026 in Court, which is taken on record.

5. I have heard counsel for the rival parties and have gone through the available records of the case.

6. It is not in dispute before this Court that the petitioner was arrested on 09.12.2025 whereinafter investigation was carried out and Challan was presented on 07.02.2026. Total 17 witnesses have been cited by the prosecution out of whom none has been examined till date as even the Charges are yet to be framed. It is not in dispute that the contraband

alleged to have been recovered from the petitioner is 500 grams of *Charas*, i.e. non-commercial contraband as per the NDPS Act, 1985. The rival contentions raised at Bar give rise to debatable issues shall be ratiocinated upon during the course of trial. This Court does not deem it appropriate to delve deep into these rival contentions, at this stage, lest it may prejudice the trial. Nothing tangible has been brought forward to indicate the likelihood of the petitioner absconding from the process of justice or interfering with the prosecution evidence.

6.1. As per custody certificate dated 09.04.2026 filed by the learned State counsel, the petitioner has already suffered incarceration for a period of 03 months and 27 days. Further, as per the said custody certificate the petitioner is stated to be involved in another case/FIR. However, this factum cannot be a ground sufficient by itself, to decline the concession of regular bail to the petitioner in the FIR in question when a case is made out for grant of regular bail *qua* the FIR in question by ratiocinating upon the facts/circumstances of the said FIR. Reliance in this regard can be placed upon the judgment of the Hon'ble Supreme Court in *Maulana Mohd. Amir Rashadi v. State of U.P. and another, 2012 (1) RCR (Criminal) 586*; a Division Bench judgment of the Hon'ble Calcutta High Court in case of *Sridhar Das v. State, 1998 (2) RCR (Criminal) 477* & judgments of this Court in CRM-M No.38822-2022 titled as *Akhilesh Singh v. State of Haryana*, decided on 29.11.2021, and *Balraj v. State of Haryana, 1998 (3) RCR (Criminal) 191*.

Suffice to say, further detention of the petitioner as an

undertrial is not warranted in the facts and circumstances of the case.

7. In view of above, the present petition is allowed. Petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the Ld. concerned trial Court/Duty Magistrate. However, in addition to conditions that may be imposed by the concerned trial Court/Duty Magistrate, the petitioner shall remain bound by the following conditions:

- (i) The petitioner shall not mis-use the liberty granted.
- (ii) The petitioner shall not tamper with any evidence, oral or documentary, during the trial.
- (iii) The petitioner shall not absent himself on any date before the trial.
- (iv) The petitioner shall not commit any offence while on bail.
- (v) The petitioner shall deposit his passport, if any, with the trial Court.
- (vi) The petitioner shall give his cellphone number to the Investigating Officer/SHO of concerned Police Station and shall not change his cell-phone number without prior permission of the trial Court/Illaqa Magistrate.
- (vii) The petitioner shall not in any manner try to delay the trial.
- (viii) The petitioner shall submit, on the first working day of every month, an affidavit, before the concerned trial Court, to the effect that he has not been involved in commission of any offence after being released on bail. In case the petitioner is found to be involved in any offence after his being enlarged on bail in the present FIR, on the basis of his affidavit or otherwise, the State is mandated to move, forthwith, for cancellation of his bail which plea, but of course, shall be ratiocinated upon merits thereof.

8. In case of breach of any of the aforesaid conditions and those which may be imposed by concerned trial Court/Duty Magistrate as directed hereinabove or upon showing any other sufficient cause, the State/complainant shall be at liberty to move cancellation of bail of the petitioner.

9. Ordered accordingly.

10. Nothing said hereinabove shall be construed as an expression
of opinion on the merits of the case.

April 10, 2026

Yag Dutt

(SUMEET GOEL)

JUDGE

Whether speaking/reasoned:

Whether Reportable:

Yes/No

Yes/No