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

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**CRM-M-19291-2026 (O&M)
Decided on: 17.04.2026**

SHUBHAM

.....Petitioner

Versus

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MR. JUSTICE SUBHAS MEHLA

Present: Ms. Sakshi Khera, Advocate (Through VC)
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.400 dated 10.12.2025 under Sections 20 & 29 of NDPS Act, 1985, registered at Police Station Kheripul, District Faridabad.

2. Brief facts of the case are that on 10.12.2025, on receipt of secret information by the police party, co-accused Chandan and Shubham (the present petitioner), were apprehended. Upon being given an option under Section 50 of the NDPS Act to be searched in the presence of a Gazetted Officer or nearest Magistrate, and upon opting to be searched in the presence of Duty Magistrate who was called at the spot, the backpack on the right shoulder of co-accused Chandan was searched and 4.700 Kgs of *Ganja* was recovered.



3. Learned counsel for the petitioner contended that the petitioner has been falsely involved in the present case as nothing has been recovered from his possession and the alleged contraband, has been recovered from the co-accused, namely, Chandan which is marginally higher than the small quantity; the petitioner is having clean & clear antecedents; investigation in the present case has been completed and challan has been filed before the trial Court, 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 16.12.2025 and as such, prays for concession of regular bail.

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 petitioner was apprehended alongwith the co-accused from whom 4.7 kgs of *Ganja* was recovered from a bag being carried by the co-accused. He, however, fairly admits that investigation in the present case is complete; the petitioner is in custody for a period of 04 months & 07 days.

6. Heard.

7. Taking into consideration the facts & circumstances of the present case and the contentions raised by learned counsel for the parties and the fact that nothing has been recovered from the present petitioner;



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the alleged contraband i.e. 4.70 Kgs of *Ganja* recovered from the co-accused falls in the category of intermediate quantity; investigation has been completed & challan stands presented; the present petitioner is in custody for the last 04 months & 07 days; 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