



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

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**CRM No.10655 of 2026 in/and
CRM-M No.32692 of 2024
Date of decision : 11.3.2026
Date of uploading : 12.3.2026**

Jiwan SinghPetitioner
Versus
State of HaryanaRespondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Kartar Singh, Advocate, for the petitioner
Mr. Gurmeet Singh, AAG, Haryana

SUMEET GOEL, J. (ORAL)

CRM No.10655 of 2026

The present application has been filed for restoration of the main case, which was dismissed for non-prosecution on 24.2.2026.

Having heard learned counsel for the parties and upon perusal of record, this court deems it appropriate to restore the case to its original number and status.

Ordered accordingly.

Main case be taken up on Board today itself.

CRM-M No.32692 of 2024

1. Present petition has been filed under Section 439 of Cr.P.C. for grant of regular bail to the petitioner in case FIR No.117 dated 4.5.2023



under Sections 15-b of Narcotic Drugs and Psychotropic Substances Act, 1985 (Section 29 of NDPS Act added later on), registered at Police Station Ratia, District Fatehabad.

2. The gravamen of the FIR in question is that the petitioner is an accused of being involved in FIR pertaining to NDPS Act involving 20 Kgs. of poppy husk allegedly recovered from co-accused of the petitioner on 4.5.2023 in the area of Balmiki Choupal in village Brahmanwala and the petitioner was nominated in this case on the disclosure statement of co-accused.

3. Learned counsel for the petitioner has argued that initially the petitioner was arrested on 28.11.2023 *qua* the FIR in question and thereafter granted the concession of interim regular bail by this Court vide order dated 11.11.2024. Learned counsel has further submitted that the said order was enuring till the petition in hand was dismissed for non-prosecution on 24.2.2026. Learned counsel has further submitted that the contraband involved in the FIR is 20 kgs. of poppy husk, which is non-commercial in nature. Hence, bar under Section 37 of the NDPS Act would not apply. Learned counsel has further submitted that total 14 prosecution witnesses have been cited, out of which only 01 has been examined till date. Learned counsel has further submitted that the trial is procrastinated and folly thereof is not attributable to the petitioner. 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 seeks to place on record custody certificate dated 10.3.2026 in Court, which is taken on record.

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

6. The petitioner was initially arrested on 28.11.2023. After completion of investigation, challan was prepared on 11.1.2024 and it is undisputed position that out of 14 prosecution witnesses only 01 has been examined till date. Keeping in view the entirety of the factual *milieu* of the case in hand, especially the factum of the contraband involved being non-commercial in nature, the petitioner having been granted interim regular bail from 11.11.2024 to 24.2.2026, and the trial is not likely to culminate in near future, this Court is positively inclined to grant the concession of regular bail to the petitioner.

6.1 As per custody certificate dated 10.3.2026 filed by learned State counsel, the petitioner has already suffered incarceration for a period of 11 months and 15 days. As per the said custody certificate, the petitioner is stated to be involved in other cases/FIRs. Indubitably, the antecedents of a person are required to be accounted for while considering a regular bail petition preferred by him. 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*.

7. In view of aabove, 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 CJM/Duty Magistrate. However, in addition to conditions that may be imposed by the concerned CJM/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 cell-phone 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/Illaq 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 CJM/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.

(SUMEET GOEL)
JUDGE

11.3.2026
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No