

CRM-M-36943-2025

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-36943-2025
Decided on : 16.01.2026

Anil

. . . Petitioner(s)

Versus

State of Haryana

. . . Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. Arnav Ghai, Advocate and
Mr. J.S. Salana, Advocate for the petitioner(s).

Mr. Kanwar Sanjiv Kumar, AAG, Haryana.

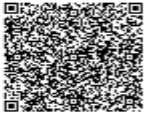
SANJAY VASHISTH, J. (Oral)

1. The instant petition has been filed under Section 483 of BNSS, 2023 (earlier Section 439 Cr.P.C.), for grant of regular bail to the petitioner, during the pendency of trial, who has been booked in a criminal case arising out of First Information Report, as detailed hereunder:-

Name of Petitioner(s)	FIR No.	Date	Section(s)	Police Station	District
Anil	241	12.07.2024	20(b)(ii)(C) of NDPS Act, 1985 and Section 3(5) of BNS	City Sohana	Gurugram

2. Learned State counsel has filed status report dated 08.01.2026 in the Court today and the same is taken on record. In advance, a copy of the same has already been supplied to learned counsel for the petitioner.

3. As per the case of the prosecution, on 11.07.2024, two vehicles bearing registration numbers HR29 AG 5789, boarded by accused Anil (petitioner in CRM-M-36943-2025), and HR87 H 3539, boarded by Anish and Juber, were



intercepted. Upon search, a recovery of 97.7 kilograms of ganja was effected from the i10 car occupied by Anil and Sahil. However, nothing was recovered from the second car, which was occupied by the co accused Anish and Juber.

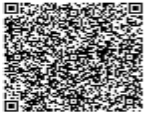
4. Learned counsel for the petitioner submits that co-accused Anish and Juber, from whom nothing was recovered, have already been granted bail by a Co-ordinate Bench of this Court vide order dated 29.04.2025 passed in CRM-M-11525-2025 (P-6).

It is further contended that, as per the allegations, petitioner was driving the i10 car from which the contraband was recovered, and that his co-accused Sahil, who was occupying the same vehicle, has already been granted the concession of bail by the Court of Sessions vide order dated 21.05.2025 (P-7).

Accordingly, learned counsel submits that the petitioner deserves the concession of bail on the principle of parity, since co-accused Sahil, who was in the same car, has already been released on bail

5. The Court has perused the status report dated 08.01.2026, which has been filed in the Court today. The details of other criminal cases registered against the petitioner are as under:

Sr. No.	Details of FIR	Recovered contraband/quantity	Status
(i)	FIR No. 211/2021 under Section 20 and 29 of NDPS Act at PS Kotwali, Faridabad	Involved only on the basis of disclosure statement co-accused Sanjay Bhatia, recovered quantity was 5 Kg ganja patti	Trial is yet to be decided (Non commercial quantity)
(ii)	FIR No. 276/2021 under Section 20 of NDPS Act at PS Dabua, Faridabad	3.5 Kg of ganja/patti recovered from the boot space of the car which was being driven by the petitioner	Non-commercial quantity and yet to be decided.
(iii)	FIR No. 277/2021 under Section 20 and 29 of NDPS Act at	860 grams of ganja	Acquitted vide judgment dated 04.08.2025 passed



	PS Dabua, Faridabad		by JMIC, Faridabad (Annexure P-10)
(iv)	FIR No. 162/2021 under Section 20 and 29 of NDPS Act at PS Saai Khwaja, Faridabad	Alleged recovery of 4 ½ Kg of ganja on the basis of disclosure statement of co-accused Sandeep Chauhan	Yet to be decided.
(v)	FIR No. 90/2016 under Section 20 and 25 of NDPS Act, Central Bureau of Narcotics, New Delhi	60 Kg of ganja, however, no recovery effected from the petitioner (as stated by counsel for the petitioner)	Already on bail
(vi)	FIR No. 630/2016 under Section 25 of Arms Act at PS Saran, Faridabad	Recovery of arms	Acquitted

6. Thus, counsel for the petitioner argues that except of the present case, in all other NDPS cases, either the petitioner found in possession of small quantity or only the non-commercial quantity, in maximum number of cases, he was involved only on the basis of disclosure statement. In two of the cases cited hereinabove i.e. one under Arms Act and another under NDPS Act, the petitioner has been acquitted vide judgment dated 04.08.2025 passed by JMIC, Faridabad.

Regarding the present case, learned counsel for the petitioner has pointed out that all other co-accused, who were involved with the petitioner, have already been released on bail. Further points that as per the Amended-disclosure statement dated 13.07.2024, relied upon by the prosecution, an amount of Rs. 9,70,000/- was paid in cash by co-accused Sahil to Mahesh, for bringing 100 Kg of Marijuna (ganja), thus, argues that as per the said disclosure statement, role of co-accused Sahil is graver than of the petitioner, because no active role of being possession of the contraband or of making payment, is even alleged to be against the petitioner. Additionally, it is pointed out that the petitioner is inside jail for



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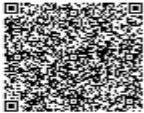
the last more than a period of 01 year, 05 months and till date, out of 23 prosecution witnesses, only 01 has been examined. In these circumstances, prayer is made for grant of regular bail.

7. On the other hand, learned State counsel has vehemently opposed the prayer for bail. It is submitted that although the petitioner is not found involved in many other case of similar nature, yet keeping in view the serious nature of allegations, he does not deserve concession of bail. Learned State counsel, however, does not dispute the factual assertions made by learned counsel for the petitioner.

8. No doubt the bar under Section 37 of the Act should operate against the petitioner, the prosecution itself is slow in moving with its proceedings before the Court. The petitioner can not be detained inside jail for indefinite period without any final adjudication of the trial.

Having heard learned counsel for the parties and on perusal of the record, this Court is of the view that plea of bail is worth considering more for the reason that present one is the first case where the commercial quantity is alleged to be recorded from the diggi of the car which was being driven by the petitioner. However, all other accused have already been released on bail, including the one who paid an amount of Rs. 9,70,000/- to Mahesh, from where the said contraband was obtained. Moreover, only one prosecution witness has been examined for the last more than a period of 01 year, 05 months,

9. Consequently, prayer made in the present petition is **allowed**. Petitioner is ordered to be released on bail, subject to his furnishing bail/surety bonds to the satisfaction of the learned trial Court/ Chief Judicial Magistrate/ Illaqa Magistrate/ Duty Magistrate concerned, if not required in any other case.



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10. Needless to observe that the petitioner shall not extend any threat and shall not influence any prosecution witness in any manner directly or indirectly.
11. The observation made here-in-above shall not be construed as an expression of opinion on the facts of the case and the Trial Court is expected to decide the case on the basis of complete evidence available on record.
12. It is further made clear that if, in future, petitioner is directly found indulged in similar kind of activities, this order shall be deemed to be cancelled.
13. Petition stands **disposed of**.

 Misc. application(s), if any, also stand disposed of.

(SANJAY VASHISTH)
JUDGE

January 16, 2025
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Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No