



CRM-M-47864-2025 (O&M) -1-

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

229-2

**CRM-M-47864-2025 (O&M)
Decided on: 04.02.2026**

NISAR

.....Petitioner

Versus

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MR. JUSTICE SUBHAS MEHLA

Present: Mr. Davneet Sangwan, Advocate 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.33 dated 05.03.2025 under Sections 20(b)(ii)(c), 27 and 29 of NDPS Act, 1985, registered at Police Station Partap Nagar, District Yamuna Nagar.

2. Brief facts of the case are that on the basis of secret information, on 05.03.2025, co-accused namely, Surinder Kumar @ Bhura was apprehended by the police alongwith *charas* weighing 1.210 kgs. Subsequently, the co-accused nominated the present petitioner on the basis of disclosure statement, alleging his involvement.

3. Learned counsel for the petitioner contended that the present petitioner has been nominated in the present case on the basis of disclosure statement of co-accused namely Surinder Kumar @ Bhura from whose possession, the alleged contraband has been recovered,



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however no recovery has been effected from the present petitioner; the petitioner is 65 years of age, having clean & clear antecedents and is not involved in any criminal activity. It is further contended that except the disclosure statement, nothing incriminating like bank transactions, CDR etc, has come on record, to support the disclosure statement made on behalf of co-accused namely Surinder Kumar @ Bhura. The petitioner is stated to have been in custody for more than a period of 10 months.

4. Notice of motion.

5. Mr. Ramender Singh Chauhan, AAG, Haryana, who is present in Court, accepted notice on behalf of respondent-State, and by way of filing of custody certificate dated 03.02.2026, opposed the concession of regular bail to the petitioner and submitted that in the present FIR, the quantity recovered by the co-accused falls under the category of commercial quantity. He, however, does not dispute the fact that the petitioner is in custody for a period of more than 10 months and 24 days.

6. Heard.

7. Keeping in view the facts and circumstances of the case and the fact that nothing has been recovered from the petitioner; present petitioner is in custody for the last more than 10 months & 24 days; also there is no material which shows that after release of the petitioner, the petitioner will tamper with the evidence; 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



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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

04.02.2026
Sonia Puri

Whether Speaking/Reasoned: YES/NO
Whether Reportable: YES/NO