

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

2026.PHHC:041439

**CRM-M-48178-2025 (O&M)****Date of Decision: 17.03.2026****ASLAM****... PETITIONER****VERSUS****STATE OF HARYANA****... RESPONDENT****CORAM : HON'BLE MR. JUSTICE H.S.GREWAL**

Present:- Mr. Anuj Malik, Advocate for the petitioner.
Dr. Malvika Singh, D.A.G., Haryana.

H.S. GREWAL, J. (ORAL)

1. The petitioner is seeking regular bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita (BNSS) in FIR No.873 dated 14.12.2023 registered under Section 18 of Narcotic Drugs and Psychotropic Substances Act, 1985 (Section 29 of NDPS Act added later on) at Police Station Shahabad, District Kurukshetra.

2. The case of the prosecution is that while the police party was patrolling in the search of anti-social elements and was present at Bridge Ratangarh, then a secret informer supplied the information to the police party that the petitioner along with one Manish are coming from Bareilly for selling the Opium. On the basis of said secret information, petitioner along with the co-accused was apprehended with 3 kgs of Opium.

3. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in the present case. The petitioner is in custody for the last 02 years, 02 months and 22 days. Moreover, co-accused Manish has already been granted regular bail vide order dated 16.09.2025 passed by the Co-Ordinate Bench of this Court in CRM-M-41367-2025.

4. Learned State counsel vehemently opposes the prayer for grant of

regular bail to the petitioner on the ground of gravity of allegations. Learned State counsel has filed the custody certificate in Court, which is taken on record. He further submits that as per the custody certificate, the petitioner is in custody for the last 02 years, 02 months and 22 days, he is involved in two more cases and out of total 19 prosecution witnesses, only 4 have been examined so far.

5. I have heard the learned counsel for the parties and perused the record.

6. After hearing the rival contentions of the learned counsel for the parties and keeping in view the facts and circumstances of the case that the petitioner is in custody for the last 02 years, 02 months and 22 days; out of total 19 prosecution witnesses, only 4 have been examined so far, co-accused has already been granted regular bail by the Co-Ordinate Bench of this Court; the police officials are not appearing to depose against the petitioner and causing delay in the trial; the conclusion of trial is likely to take a long time and continuous detention of the petitioner would not serve the ends of justice, this Court deems it fit to grant the concession of regular bail to the petitioner during the pendency of the trial. Moreover, *'bail is rule and jail is exception'*.

7. 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 bail bonds and surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate concerned.

8. It is clarified that while on bail so granted through the instant order the petitioner is found indulging in any other criminal case, it shall be open to the State to seek cancellation of his bail.

(H.S.GREWAL)
JUDGE

17.03.2026

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