

CRM-M-55400-2025

2026:PHHC:013540



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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
CRM-M-55400-2025

Jagmohan
.....Petitioner
Versus
State of Haryana
.....Respondent

Date of Decision: January 30, 2026
Date of Uploading: January 30, 2026

CORAM: HON’BLE MR. JUSTICE SUMEET GOEL

Present:- Mr. S.K. Tripathi, Advocate for the petitioner.
Ms. Priyanka Sadar Thakur, Senior DAG Haryana.

SUMEET GOEL, J. (ORAL)

Present petition has been filed under Section 483 of the Bharatiya
Nagarik Suraksha Sanhita, 2023 (for short ‘BNSS’) for grant of regular bail to
the petitioner, in case bearing FIR No.0030 dated 18.01.2025, registered for the
offences punishable under Sections 20/29 of the NDPS Act, Sections 61(2)/
3(5) & 238C of the BNS, 2023, Section 42 of the Prisoner Act and Section 7/8
of the Prevention of Corruption Act, 1988, at Police Station Bhondsi, District
Gurugram.

2. The gravamen of the allegations against the petitioner is that on
18.01.2025, upon receiving an information regarding some narcotic substance
having been found with one prisoner, namely, Parveen, the police conducted
search, accordingly. During search, from right pocket of said prisoner, *sulfa*
weighing 9 grams was recovered, and the said prisoner disclosed that he used

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to get it from warden, Jagmohan (*petitioner herein*) and had also paid him Rs.15,000/- to 20,000/- through one Sunil.

3. Learned counsel for the petitioner has iterated that the petitioner is in custody since 10.06.2025. Learned counsel has further argued that the petitioner has been falsely implicated into the FIR in question. Learned counsel has further submitted that there is no tangible evidence available against the petitioner as per the challan. Learned counsel has further iterated that, in any case, the investigation *qua* FIR in question is already complete. Learned counsel has further argued that contraband involved into the FIR in question is 09 grams of *sulfa*, which is non-commercial in nature and, hence, bar under Section 37 of the NDPS Act would not be attracted, in this case. Learned counsel has argued that the petitioner is a man with clean antecedents. Thus, regular bail is prayed for.

4. Learned State counsel has opposed the present petition by arguing that the allegations raised against the petitioner 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 the custody certificate dated 08.10.2025, in the Court today, which is taken on record.

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

6. The petitioner was arrested on 10.06.2025 and is in continuous custody since then. The challan, upon culmination of investigation, stands presented on 04.09.2025. Out of total 39 cited prosecution witnesses, only 02 have been examined till date. The rival contentions raised at Bar give rise to debatable issues, which shall be ratiocinated upon during the course of trial. This Court does not deem it appropriate to delve deep into these rival contentions, at this stage, *lest* it may prejudice the trial. Nothing tangible has

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been brought forward to indicate the likelihood of the petitioner absconding from the process of justice or interfering with the prosecution evidence.

6.1. As per custody certificate dated 08.10.2025 filed by learned State counsel, the petitioner has already suffered incarceration for a period of 03 months and 29 days, & is not shown to be involved in the other FIR(s).

Suffice to say, further detention of the petitioner as an undertrial is not warranted in the factual milieu of the case.

7. In view of above, the present petition is allowed. Petitioner is ordered to be released on regular bail, if not required in any other case, 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 cellphone 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/Illaqa Magistrate.
- (vii) The petitioner shall not in any manner try to delay the trial.

8. In case of breach of any of the aforesaid conditions and those which may be imposed by concerned CJM/Duty Magistrate as directed

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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.
11. Since the main case has been decided, pending miscellaneous application, if any, shall also stands disposed off.

(SUMEET GOEL)
JUDGE

January 30, 2026
mahavir

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No