



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

153-1

CRM-M-60368-2025
Decided on : 16.03.2026

Harish Kumar @ Thapa . . . Petitioner(s)
Versus
State of Haryana . . . Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. Ramnish Puri, 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 here-under:-

Name of Petitioner(s)	FIR No.	Date	Section(s)	Police Station	District
Harish Kumar @ Thapa	298	19.05.2024	20, 25 of NDPS Act, 1983 [S. 29 of NDPS Act, added later on]	Kundli	Sonipat

2. As per the allegations in the FIR, upon receipt of secret information regarding the petitioner and his co-accused, namely Sunil @ Dhillo @ Sunil Kumar, who were allegedly travelling from Village Nahra towards Narela via Rampur Border, Village Nahri, in a car bearing registration No. DL4-CAX-9249, a police team laid a naka/checkpoint. The said car was intercepted at the checkpoint.

Said car was being driven by the co-accused – Sunil @ Dhillo @ Sunil Kumar, whereas, the petitioner was sitting on the front passenger



seat and was allegedly found in possession of a black-coloured polythene bag bearing the label “CORE FUEL WHEY PROTEIN POWDER” printed in black and yellow. Upon search, the said bag was found to contain charas weighing 2.400 kg.

3. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case and, in fact, nothing was recovered from his conscious possession. It is further submitted that the petitioner was not present at the spot at the relevant time.

In support of the said contention, learned counsel refers to the mobile location of the petitioner’s phone bearing No. 79824-00993, which, at the time of the alleged recovery, shows the location of Village Rohad, which is approximately 6.00 km away from the place of recovery, i.e., Nahar-Nahari canal bridge.

It is further submitted that the petitioner is inside the jail for a period of about 01 year and 10 months, and out of a total of 19 prosecution witnesses, only 02 witnesses have been examined so far. It is also contended that the co-accused of the petitioner, namely Sunil @ Dhilllo @ Sunil Kumar, who was allegedly driving the vehicle at the time of recovery, has already been granted the concession of regular bail by this Court vide order dated 26.09.2025 passed in CRM-M-18877-2025 (P-3).

Therefore, in view of the aforesaid facts and circumstances, as well as on the ground of parity with the similarly situated co-accused, learned counsel prays for grant of regular bail to the petitioner.

4. On the other hand, learned State counsel has filed a custody certificate dated 15.03.2026 in Court today, which is taken on record. The



office is directed to tag the same at the appropriate place.

A copy thereof has been supplied to learned counsel for the petitioner.

5. Learned State counsel, while vehemently opposing the prayer for bail, submits that keeping in view the nature of allegations and the gravity of the offence, the petitioner does not deserve any leniency. It is further submitted that mere grant of bail to the co-accused does not ipso facto entitle the petitioner to claim parity.

However, it is fairly conceded that the petitioner is not involved in any other case of similar nature. It is also not disputed that the other factual assertions, as noticed here-above, are a matter of record.

6. I have heard learned counsel for the parties and have perused the relevant material available on record.

7. At this stage, without commenting upon the merits of the case, it is noticed that as per custody certificate, petitioner has suffered incarceration inside the jail for a period of 01 year, 09 months and 14 days, up-till 15.03.2026, and out of a total of 19 prosecution witnesses, only 02 witnesses have been examined so far, which shows that the trial is progressing at a slow pace and is likely to take considerable time to conclude.

It is also a matter of record that the co-accused, namely Sunil @ Dhillo @ Sunil Kumar, who was allegedly driving the vehicle at the time of recovery, has already been granted the concession of regular bail by this Court. Thus, the case of the present petitioner stands on a similar footing and is entitled to consideration on the ground of parity.



Furthermore, it has not been disputed that the petitioner is not involved in any other case of similar nature. The question as to whether the recovery was effected from the conscious possession of the petitioner or not is a matter of trial.

Keeping in view the period of incarceration, the stage of trial, the principle of parity, and without expressing any opinion on the merits of the case, this Court is of the considered view that the rigours of Section 37 of the NDPS Act stand satisfied to a limited extent for the purpose of grant of bail.

Accordingly, without expressing any opinion on the merits of the case, 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.

8. Needless to observe that the petitioner shall not extend any threat and shall not influence any prosecution witness in any manner directly or indirectly.

9. Any of the discussion done and recorded here-above, shall not be construed as an expression of opinion on the facts of the case. Therefore, trial Court is expected to decide the case by taking an independent view, on the basis of evidence available on record, as expeditiously as possible in accordance with law.

10. 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.



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11. Petition stands **disposed of**.

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

(SANJAY VASHISTH)
JUDGE

March 16, 2026

J.Ram

Whether speaking/reasoned: *Yes/No*

Whether Reportable: *Yes/No*