



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-62738-2025 (O&M)
Decided on : 18.03.2026

DEV KISHAN ALIAS SONU
.....Petitioner
Versus
STATE OF HARYANA
.....Respondent

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. Ashit Malik, Senior Advocate, with
Mr. Maneet Kaushik, Advocate, and
Mr. Abhinav Kansal, Advocate,
for the petitioner.

Mr. Kanwar Sanjiv Kumar, AAG, Haryana.

SANJAY VASHISTH, J.

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
Dev Kishan @ Sonu, aged about 43 years	378	22.07.2024	18 of NDPS Act (Section 29 NDPS Act added later on)	Sadar Thanesar	Kurukshetra

2. Learned counsel for the petitioner submits that, as per the case of prosecution, 2 kilograms and 730 grams of opium was allegedly



recovered from a bag carried by the petitioner. It is contended that the recovered quantity exceeds the threshold of non-commercial quantity by only 230 grams.

It is further submitted that petitioner is in custody since the time of registration of the FIR on 22.07.2024, i.e., for a period of approximately one year and seven months.

3. Counsel further submits that petitioner is not involved in any other criminal case and is a first-time offender, and therefore, deserves an opportunity for reformation and rehabilitation in society.

4. It is also submitted that co-accused namely Ankit Kumar Khatik, from whom no recovery was effected, has already been granted regular bail by this Court, vide order dated 17.07.2025 passed in CRM-M-18221-2025 (Annexure P-1).

5. Lastly, it is submitted that out of total 16 prosecution witnesses, none has been examined so far, and therefore, conclusion of the trial is likely to take a considerable amount of time. Thus, counsel prays for grant of regular bail to the petitioner in the present case.

6. In response to the arguments addressed by learned counsel for the petitioner, learned State counsel, produces the custody certificate dated 16.03.2026 in Court today, which is taken on record. Office to tag the same at appropriate place. A copy thereof has been handed over to the counsel for the petitioner.

As per the custody certificate, in the present case, petitioner has already undergone 01 year 07 months and 21 days period inside jail and there is no other case registered against him.



7. Learned State counsel has also filed status report dated 14.03.2026 in the Court today and the same is taken on record. Registry is directed to tag the same at the appropriate place on the file.

8. Learned State counsel, while opposing the prayer and submissions made by learned counsel for the petitioner, submits that contraband allegedly recovered from the possession of the petitioner falls within the commercial quantity. Considering the gravity of the offence, it is submitted that petitioner does not deserve the concession of regular bail, and therefore, prays for dismissal of the present petition.

9. This Court has heard the submissions addressed by counsel for the parties and has also gone through the record available before it.

10. Out of total 16 prosecution witnesses, none has been examined till date, and conclusion of the trial is likely to take considerable time. Petitioner is in custody since the time of registration of the FIR on 22.07.2024, i.e., for a period of approximately one year and seven months.

Undoubtedly, petitioner is a first-time offender, with no prior cases registered against him. As of now, petitioner is not a convict under any provision of the NDPS Act. Therefore, he is entitled for an opportunity to rehabilitate and reintegrate into the society through reformative measures.

11. Therefore, considering the totality of circumstances, the nature of the allegations, and the factors noticed above, this Court deems it appropriate to grant the concession of bail to the petitioner in the present case.



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.

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

13. 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.

14. 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.

15. Petition stands disposed of.

(SANJAY VASHISTH)
JUDGE

18.03.2026
Lavisha

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