



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

131

CRM-M-70579-2025
Decided on : 05.03.2026

SUDHIR

.....Petitioner

Versus

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. Dinesh Maurya, Advocate, and
Mr. Pardeep, Advocate,
for the petitioner.

Mr. Pawan Kumar Jhanda, Sr. DAG, 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
Sudhir, aged about 38 years	47	09.02.2025	20(b)(ii)(C) and 29 of NDPS Act	Tosham	Bhiwani

2. Learned counsel for the petitioner contends that, as per the allegations, secret information was received to the effect that accused Nasib @ Joga is a habitual seller of intoxicant substances and on the day of the incident, i.e. on 09.02.2025, he would be supplying the same to



other persons, while riding a motorcycle, bearing registration No.HR-41D-3647. Acting upon the said information, the police intercepted the accused and allegedly recovered 2 kilograms and 20 grams of *charas*, wrapped in a polythene bag, from the bag in possession of accused Nasib alias Joga. Consequently, FIR in question was registered against the said accused.

After registration of the FIR, during his disclosure statement, accused Nasib named the present petitioner as supplier of the alleged contraband recovered from his possession. On the basis of the said disclosure statement alone, petitioner was arrested on 11.02.2025.

3. Learned counsel for the petitioner submits that, except of the disclosure statement made by the co-accused, there is no other independent or corroborative evidence available with the prosecution, connecting the petitioner with the alleged offence, so as to justify his continued incarceration in judicial custody.

It is further submitted that nothing remains to be recovered from the possession petitioner and, therefore, his further detention is not warranted. It is also contended that trial is likely to take a considerable time to conclude and no useful purpose would be served by keeping the petitioner behind bars during the pendency of the trial. Thus, counsel prays that petitioner be granted the concession of regular bail in the present case.

4. In response to the arguments addressed by learned counsel for the petitioner, learned State counsel, produces the custody certificate dated 03.03.2026 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 and 23 days period inside jail and there is no other case registered against him.

5. Learned State counsel, while opposing the prayer and submissions made by learned counsel for the petitioner, submits that petitioner is equally liable for the recovery of *charas* in the present case, which falls within the category of commercial quantity. It is contended that since the petitioner is involved in such a grave offence, he does not deserve the concession of regular bail.

However, learned State counsel could not point out any other independent or corroborative evidence to substantiate the allegation against the petitioner, apart from the disclosure statement made by the co-accused.

6. This Court has heard the submissions addressed by learned counsel for the parties and has also perused the record available before it.

7. Considering the totality of the circumstances, nature of allegations levelled against the petitioner, and the factors noticed here above, including the period of incarceration already undergone by him and stage of the trial, this Court does not deem it appropriate to curtail the personal liberty of the petitioner by keeping him in custody any longer. Accordingly, this Court finds it appropriate to grant the concession of regular bail to the petitioner in the present case.



CRM-M-70579-2025

4

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.

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.

11. Petition stands disposed of.

(SANJAY VASHISTH)
JUDGE

05.03.2026

Lavisha

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