

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

222

2026:PHHC:006589



**CRM-M-71784-2025 (O&M).
Date of decision: 19.01.2026.**

RAJENDER @ MOPAL @ ANIL**...Petitioner(s)**

VERSUS

STATE OF HARYANA**...Respondent(s)****CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ**

Present :- Mr. M. S. Gahlawat, Advocate,
for the petitioner.

Ms. Aditi Girdhar, AAG, Haryana.

VINOD S. BHARDWAJ, J. (Oral)

This is the **sixth** petition under Section 439 of the Code of Criminal Procedure, 1973, filed by the petitioner for seeking regular bail in case bearing FIR No.32 dated 12.05.2011, under Section(s) 20, 61 and 85 of the Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Garhi, District Jind.

Succinctly, the prosecution case is that on 12.05.2011, ASI Harpal Singh alongwith other police officials, while on patrolling duty in a Govt. vehicle bearing registration No.HR-56-3130 driven by Constable Sukhwinder Singh was proceeding from Pipaltha to Garhi and upon reaching near the Bhakra Canal bridge, the police party stopped to drink water from the hand pump. During this time, three young boys came from the side of

village Garhi on their motorcycle who had kept a plastic bag in their middle. On seeing the police party, they tried to turn back their motorcycle but on the basis of suspicion ASI Harpal Singh with the help of fellow officials tried to apprehend those boys but one boy succeeded in running away and the other two boys were apprehended. On interrogation, first boy disclosed his name as Vicky son of Bhopa, resident of village Revar and another boy disclosed his name as Shishan son of Nishatter, resident of village Revar. On inquiry, they disclosed the name of the boy who ran away from the spot as Anil. Notice under Section 50, NDPS Act was served upon them for conducting the search of plastic bag which they were keeping in the middle on the motorcycle. In reply, they stated that they wished to give their personal search and search of the plastic bag in the presence of a Gazetted officer. ASI Harpal Singh gave information to Shri Surender Singh DSP, Narwana with request to reach on the spot. Shri Surender Singh DSP Narwana reached at the spot alongwith his staff in a government vehicle and search was conducted in his presence by ASI.

During the search of plastic bag, 25 kilograms Charas was recovered. Two samples of 100 grams each were separated. The residue was found as 24 kgs, 800 grams. Recovered Charas was converted into parcels and sealed with seal of ASI bearing inscriptions RS and SS of Gazetted officer. Recovered Charas and motorcycle were taken into police possession vide separate memo. As the accused Vicky, Shishan and Anil had kept 25 kilograms Charas in their possession, therefore, Section 20-61-85 of the NDPS Act was made out against them. Challan against accused Vicky and Shishan was presented in the Court on 10.10.2011. Accused Vicky and

Shishan in the present matter have been convicted and sentenced on 06.10.2012. On 02.08.2023, production warrants of accused Rajender @ Anil @ Mopal were issued for 03.08.2023. Thereafter, accused Rajender @Anil @ Mopal was produced in the Court and joined in the investigation of this case and thereafter arrested. On inquiry, he disclosed that he had purchased 25 kilograms Charas from Parkash, resident of Litani. One day police remand of the accused was obtained from the Court. During investigation, accused Om Parkash @ Parkasha was found dead. On 04.08.2023, accused Rajender @ Anil @ Mopal was produced in the Court from where he was sent to judicial custody.

Learned counsel for the petitioner contends that the petitioner is in custody since 03.08.2023 and has already undergone an actual custody for a period of 02 years, 05 months and 14 days as per custody certificate dated 16.01.2026 placed on record.

On being confronted with the fact that the petitioner has criminal antecedents as he has been convicted in 07 cases and there are 10 other cases pending trial against him and also that the petitioner himself remained an absconder in the presence case since the year 2011 to 2023, counsel for the petitioner does not press the instant petition for the grant of regular bail. He, however, prays that appropriate directions be issued to the respondent-State to expeditiously conclude the prosecution evidence as only 14 out of 25 witnesses cited by the prosecution have been examined so far.

State counsel, on the other hand, contends that the petitioner is a habitual offender and he has been convicted for offence under Section 174-A of the Indian Penal Code, 1860. She further argues that commercial quantity i.e. 25 kgs of Charas had been recovered from the co-accused of the petitioner. She

further contends that the petitioner is a history sheeter with large number of pending cases and has undergone 07 convictions. She, however, assures that appropriate steps shall be undertaken to conclude the remaining prosecution evidence expeditiously as 14 witnesses already stand examined and the next date before the trial Court is 21.01.2026 for remaining prosecution evidence.

Accordingly, the present petition is disposed of as not pressed at this stage. However, considering that the petitioner has been seeking expeditious adjudication and conclusion of the proceedings, trial Court is directed to make every endeavour and to take appropriate steps to expeditiously conclude the pending trial in the aforesaid FIR which is pertaining to the year 2011 within a period of six months from the date next fixed before the trial Court for recording of the evidence of the prosecution.

Disposed of accordingly.

January 19, 2026.
raj arora

(VINOD S. BHARDWAJ)
JUDGE

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