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**(247) IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

**CRM-M-72609-2025 (O&M)
Date of decision : 19.01.2026**

MICHEAL

... Petitioner

Versus

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Rahul Singla, Advocate for the petitioner

Ms. Himani Arora, DAG, Haryana

MANISHA BATRA, J. (ORAL)

1. The instant petition has been filed by the petitioner under Section 438 of Cr.P.C. for grant of regular bail in case arising out of FIR No.194 dated 13.10.2025 registered under Sections 21(b), 29, 27(A) of Narcotics Drugs and Psychotropic Substances Act (for short “NDPS Act”) at Police Station Sector 20, Panchkula.

2. As per the allegations, on 13.10.2025, the petitioner and co-accused Jagroop was apprehended on the basis of a secret information and 78 grams of heroin with drug money of Rs.20,400/- was recovered from the conscious possession of the petitioner and 50 grams of heroin was recovered from conscious possession of the co-accused which was taken into custody by the Police. The petitioner and the co-accused were formally arrested. The investigation now stands completed.

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3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. A false recovery has been planted upon him. He is in custody since 18.10.2025. The rigors of Section 37A of NDPS Act are not attracted in this case qua him, since the alleged recovery was of intermediate quantity. He is not required for further investigation. No useful purpose would be served by detaining the petitioner anymore. The co-accused Jagroop Singh has already been extended benefit of bail by this Court. On parity, he too deserves the benefit of bail. It is urged that the petition deserves to be allowed.

4. Notice of motion.

5. Learned State counsel has advance notice of the petition and has submitted the custody certificate of the petitioner. She has submitted that keeping in view the antecedents of the petitioner and the grave nature of the allegations, he does not deserve to be extended benefit of bail.

6. This Court has heard the rival submissions made by the learned counsel for the parties at considerable length.

7. The petitioner alongwith the co-accused is alleged to have been found in conscious possession of intermediate quantity of contraband heroin. He is in custody since 18.10.2025. Though, the allegations prima facie make out a case for commission of subject offences against him, however, taking into consideration the fact that he is in custody since long as well as the fact that the well settled proposition of law is that pre-trial incarceration should not be a replica of post-conviction sentencing, this Court is of the considered opinion that a



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case for release of the petitioner on bail is made out. Accordingly, the petition is allowed and the petitioner is ordered to be admitted on bail subject to his furnishing personal as well as surety bonds to the satisfaction of the learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

8. In the event of there being any FIR/complaint lodged against the petitioner, it shall be open to the respondent-State to seek redressal by filing an application seeking cancellation of bail.

9. It is, however, clarified that the observations made hereinabove shall not be construed as an expression of opinion on the merits of the case and shall not influence the outcome of the trial.

10. Since the main petition has been allowed, pending application, if any, is rendered infructuous.

**(MANISHA BATRA)
JUDGE**

**19.01.2026
Amit Sharma**

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