



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

201

CRM-M-31737-2025

Date of Decision: **September 26, 2025**

Aakash

.....Petitioner

VERSUS

State of Haryana

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present : Mr. Vivek Sheoran, Advocate for the petitioner.

Mr. Vikrant Pamboo, Addl. AG Haryana.

HARPREET SINGH BRAR, J. (Oral)

1. The present petition has been filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 seeking regular bail in case bearing FIR No.48 dated 09.02.2025 under Sections 15 and 29 of NDPS Act registered at Police Station Bahalgarh, District Sonipat (Haryana).

2. Succinctly, the facts of the case are than on 09.02.2025 based on secret information, a police team headed by ASI Sandeep, apprehended Anil, Keshav and the petitioner in conscious possession of contraband i.e. 27 Kg 150 grams of *churapost*, 20 kg 550 grams of *churapost* and 12 kg 900 grams of *doda* in three separate plastic bags, cumulatively falling in commercial quantity and thus, the present case.



3. Learned counsel for the petitioner *inter alia* contends that as per the case set up by the prosecution, three persons, namely, Anil, Keshav and petitioner, were apprehended at the spot and from all three of them, about 60 kg of poppy husk was recovered. The entire bulk was weighed along with three separate plastic bags and in case if plastic bags are weighed separately then the contraband might be below the commercial quantity. The petitioner is behind the bars since 09.02.2025. Further, the contraband recovered is marginally higher than the commercial quantity. He further submitted that final report presented; charges have already been framed and out of total 18 witnesses, only one prosecution witness has been examined so far. He further submitted that trial of the present case would take sufficient long time and hence, no purpose would be served by keeping the petitioner behind the bars. Lastly, he prayed for grant of concession of regular bail to the petitioner.

4. Learned State counsel on instructions from ASI Pardeep, opposes the grant of regular bail to the petitioner on the ground that complicity of the petitioner is duly established during investigation. However, he could not controvert the fact that investigation of the case is complete and petitioner is not involved in any other NDPS case. He further submitted that keeping in view the gravity and seriousness of offence, petitioner does not deserves the concession of regular bail.

5. Having heard learned counsel for the parties and after perusing the record of the case file with their able assistance, it transpires that the petitioner is behind the bars since 09.02.2025; upon completion of



investigation, final report under Section 173 Cr.P.C. has been presented before the concerned Court; and charges have already been framed against the petitioner. Further trial of the case has not made much progress as out of total 18 prosecution witnesses, only one prosecution witness has been examined so far. As such, the conclusion of trial would take sufficient long time. Further, culpability of petitioner, if any, would be determined at the time of trial and hence no useful purpose would be served by keeping the petitioner behind the bars. As such, keeping the petitioner in further detention without the prospect of the trial being concluded in the near future, would be violative of his rights under Article 21 of the Constitution of India.

6. A two Judge Bench of Hon'ble Supreme Court in '**Satender Kumar Antil v. CBI**' (2022) 10 SCC 51, with respect to prevailing conditions of undertrial prisoner in India has observed:

"6. Jails in India are flooded with undertrial prisoners. The statistics placed before us would indicate that more than 2/3rd of the inmates of the prisons constitute undertrial prisoners. Of this category of prisoners, majority may not even be required to be arrested despite registration of a cognizable offence, being charged with offences punishable for seven years or less. They are not only poor and illiterate but also would include women. Thus, there is a culture of offence being inherited by many of them. As observed by this Court, it certainly exhibits the mindset, a vestige of colonial India, on the part of the investigating agency, notwithstanding the fact arrest is a draconian measure resulting in curtailment of liberty, and thus to be used sparingly. In a democracy, there can never be an impression that it is a police State as both are conceptually opposite to each other."

7. In cases where the recovery only marginally breaches the threshold for commercial quantity of the alleged contraband, this Court has found it proper to grant regular bail. Reference in this regard can be made to



the judgments rendered by this Court in *Davinder Singh alias Baba vs. State of Punjab in CRM-M-64821-2023 decided on 25.01.2024*, *Gurmeet Singh vs. State of Punjab in CRM-M-1007-2024 decided on 15.01.2024*, *Ranjti Singh @ Ranjit Kumar vs. State of Punjab in CRM-M-57185-2022 decided on 10.01.2023*, *Jagtar Singh vs. State of Punjab in CRM-M-21460-2022 decided on 08.02.2023*, *Harjeet Singh alias Sonu vs. State of Punjab in CRM-M-8242-2023 decided on 15.01.2024*, *Jang Kanwar vs. State of Punjab in CRM-M-53415-2021 decided on 19.01.2022*, *Sukhchain Singh @ Manga vs. State of Punjab, CRM-M-7857-2022 decided on 04.04.2022*, *Pardeep Singh vs. State of Punjab, CRM-M-46244-2022 decided on 19.01.2023*, *Hari Yadav @ Haiya vs. State of Punjab (CRM-M-37645-2021)*’ decided on 11.11.2022, ‘*Shankar Prashad Chanau vs. The State of Punjab, CRM-M-24090-2020, decided on 27.08.2020*, *Gurpreet Kumar vs. State of Punjab, CRM-M-17021-2021, decided on 31.08.2021*, *Salim vs. State of Haryana, CRM-M-42436-2020, decided on 24.02.2021*, *Satnam Singh @ Chacha vs State of Punjab, CRM-M-34531-2020, decided on 25.02.2021*, *Gagandeep vs. State of Punjab, CRM-M-3055-2021, decided on 27.01.2021*, *Gurpreet Singh @ Gopi vs. State of Punjab, CRM-M41039-2019, decided on 26.02.2020*, *Dalbara Singh vs. State of Punjab, CRM-M-47880-2022 decided on 16.01.2023*’, and *Vivek Watts vs. State of Punjab, CRM-M-13791-2022 decided on 15.02.2023*.

8. In view the above, the present petition is allowed. Thus, without commenting upon the merits of the case lest it may prejudice the outcome of the trial, the petitioner-Aakash is ordered to be released on



regular bail during trial on his furnishing bail bonds/surety bonds to the satisfaction of Illaqa/Duty Magistrate/Trial Court.

9. Nothing observed hereinabove shall be construed as expression of opinion of this Court on merits of the case and the trial Court shall proceed without being prejudiced by observations of this Court.

(HARPREET SINGH BRAR)
JUDGE

September 26, 2025

P.C

Whether speaking/reasoned. : Yes/No

Whether Reportable. : Yes/No