



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

222

CRM-M-11194-2025
Decided on : 05.03.2025

Jai Bhagwan . . . Petitioner(s)

Versus

State of Haryana . . . Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. Harender S. Rana, Advocate for
Mr. Shailender Singh Momi, Advocate
for the petitioner(s).

Ms. Mayuri Lakhanpal, DAG, Haryana.

SANJAY VASHISTH, J. (Oral)

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
Jai Bhagwan	277	07.11.2024	20(B) of NDPS Act	Dadri City	Charkhi Dadri

2. Contention of the petitioner's counsel is that recovery from the petitioner in the present case is 150 grams of 'charas', whereas, the prescribed 'commercial quantity' is more than 1.00 kg. Besides, there is no other case registered against the petitioner either under the NDPS Act or any other offence. After completion of investigation, challan has been submitted and charges have also been framed. However, trial is yet to commence.

Since, culmination of trial shall take considerable time, plea of the petitioner of releasing him on regular bail be considered sympathetically.



3. On advance notice and in response to the arguments addressed by counsel for the petitioner, learned State counsel, submits that petitioner was arrested on 07.11.2024. she affirms the statement of counsel for the petitioner that petitioner is not involved any other similar activity.

However, learned State counsel submits that such kind of instances are at increase in the society and keeping in view the nature of offence, petitioner does not deserve any sympathy.

4. After hearing the learned counsel for the parties and perusing the relevant material on record with their able assistance, this Court finds substance in the submissions made by the learned counsel for the petitioner.

5. This Court is of the view that by taking into consideration all the parameters prayer for bail can be considered by granting him (petitioner) one more chance to rise-up and rehabilitate himself in the society. Besides, it is undisputed that the recovery effected from the petitioner is 150 grams of 'charas', which is much less to the commercial quantity i.e. 1.00 kg. Therefore, in the absence of any substantial reason to curtail liberty of the petitioner, I do not find any justification for continued incarceration.

6. Accordingly, considering the totality of circumstances, and the nature allegations leveled against the petitioner, and the factors noted here-above, I deem it appropriate to grant the concession of bail to the petitioner.

7. 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. The observation made here-in-above shall not be construed as an expression of opinion on the facts of the case and the Trial Court is expected to



decide the case on the basis of complete evidence available on record.

9. 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.

10. Petition stands disposed of.

(SANJAY VASHISTH)
JUDGE

March 05, 2025

J.Ram

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No