



CRM-M-42623-2025

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

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**CRM-M-42623-2025
Decided on :02.09.2025**

Mohan Lal

. . . Petitioner(s)

Versus

State of Haryana

. . . Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. V.B. Godara, Advocate for the petitioner.

Mr. P.K. Jhanda, Sr. DAG, Haryana.

SANJAY VASHISTH, J. (Oral)

1. Present petition has been filed under Section 439 Cr.P.C., seeking regular bail in case FIR No.153 dated 12.05.2022, under Sections 21(c)/27-A/29 of NDPS Act and 201 IPC, registered at Police Station Bhuna, District Fatehabad.

2. As per the case of the prosecution, total recovery of 505 grams of heroin was effected from the conscious possession of the petitioner, Mohan Lal, while he was riding a motorcycle that did not bear a registration number.

3. Learned counsel for the petitioner contends that at the time of the alleged incident, petitioner was a young man, aged less than 25 years. It is submitted that apart from the present case, petitioner has never



been found involved in any offence under the provisions of the NDPS Act or any other criminal activity.

4. It is further submitted that the petitioner had earlier approached this Hon'ble Court by way of a bail petition, which was dismissed as withdrawn at that stage vide order dated 22.01.2025 (Annexure P-8) passed in CRM-M-42330-2024.

5. Learned counsel submits that the petitioner is in custody since 12.05.2022. Out of a total of 29 prosecution witnesses, only 03 witnesses have been examined so far, and the trial is progressing at a slow pace. In these circumstances, it is argued that the conclusion of the trial is likely to take considerable time, therefore, counsel prays for grant of regular bail.

6. On the other hand, learned State counsel, while not disputing the fact that petitioner is in custody since 12.05.2022, fairly concedes that out of the total 29 prosecution witnesses, only 03 witnesses have been examined till date. He also does not dispute the submission that petitioner is not involved in any other case under the NDPS Act or otherwise. However, he opposes the grant of bail on the ground that the recovery in the present case falls under the category of commercial quantity, and in view of the rigours of Section 37 of the NDPS Act, no grounds for grant of bail are made out, therefore, prays for dismissal of present petition.

7. Having heard learned counsel for the parties and upon perusal of the material available on record, it is evident that petitioner is

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in custody since 12.05.2022, and despite the lapse of a considerable period, only 03 out of 29 prosecution witnesses have been examined till date. Delay in conclusion of trial appears substantial. It is further noticed that petitioner was below 25 years of age at the time of the alleged incident and has no other criminal antecedents.

In the light of the above facts and circumstances, particularly the prolonged incarceration of petitioner, slow pace of trial, and absence of any prior involvement in similar offences, this Court is of the considered view that further detention of the petitioner may not serve any fruitful purpose. Accordingly, 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. Any of the discussion done and recorded hereabove, 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.

9. Petition stands disposed of.

**(SANJAY VASHISTH)
JUDGE**

02.09.2025*Rashmi*

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