



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

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**CRM-M-43194-2025
Decided on : 13.08.2025**

Rakesh . . . Petitioner(s)

Versus

State of Haryana . . . Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. Parminder Singh Sekhon, Advocate, for the petitioner(s).

Mr. PK Jhanda, Sr. 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
Rakesh	191	25.06.2023	20(b)(ii)C, 27-A, 29 of NDPS Act, 1985 and 201 of IPC	Uklana	Hisar

2. Learned counsel for the petitioner contends that from the possession of the petitioner, there is recovery of 1.5 kg. of charas, which is more than the maximum limit of non-commercial quantity, and therefore, falls within the ambit of commercial quantity. Further submits that there are total 24 prosecution witnesses, but only 06 have been examined so far, and thus, submits that the trial is not moving at the required pace, because, despite the petitioner being inside jail for a period of more than 02 years and 01 month, the trial is at a standstill.



3. Learned counsel for the petitioner further submits that the petitioner is a young boy of 20 years of age and he should be given a chance to rehabilitate himself in society and to join the normal course of life, as he is not found to be indulged in any other similar activity.

4. It is also pointed out by learned counsel that co-accused of the petitioner, namely, Sudhir Singh and Sanjay, have already been granted concession of regular bail by the Coordinate Benches of this Court vide order dated 15.07.2024, passed in CRM-M-929-2024, and vide order dated 12.12.2024, passed in CRM-M-34710-2024 (appended as Annexures P-2 & P-3, respectively). Thus, claiming parity also, learned counsel prays for grant of concession of regular bail to the petitioner.

5. On the other hand, learned State counsel has filed the custody certificate dated 12.08.2025, in Court today, which is taken on record, subject to all just exceptions. Office to tag the same at appropriate place.

A copy thereof has been handed over to the counsel for the petitioner.

6. Learned State counsel submits that as per the custody certificate petitioner has suffered incarceration for a period of about 02 years, 01 month and 12 days. He further points out that, as per the said custody certificate, the petitioner is not found involved in any other case of similar nature. However, he contends that, keeping in view the nature of allegations levelled against the petitioner, he does not deserve the concession of bail. Learned State counsel, however, does not dispute the factual averments made here-above by the learned counsel for the petitioner.

7. Having heard learned counsel for the parties and on perusal of



the record, this Court is conscious of the fact that from the possession of the petitioner, recovery of 1.5 kg of *charas* has been effected, which is above the threshold of 1 kg prescribed for “commercial quantity” under the NDPS Act, 1985, and therefore, the rigours of Section 37 of the Act would apply. It is further noticed that, although there are a total of 24 prosecution witnesses, only 06 have been examined so far, and the trial is proceeding at a slow pace, despite the petitioner having remained in custody for more than 02 years and 01 month. The petitioner is a young boy of 20 years of age, not shown to be involved in any other similar offence, and his co-accused Sudhir Singh and Sanjay have already been granted regular bail by Coordinate Benches of this Court. In these circumstances, the plea for grant of regular bail on the grounds of prolonged incarceration and parity merits consideration.

8. 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.

9. Needless to observe that the petitioner shall not extend any threat and shall not influence any prosecution witness in any manner directly or indirectly.

10. 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.



11. 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.

12. Petition stands **disposed of**.

(SANJAY VASHISTH)
JUDGE

August 13, 2025

J.Ram

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No