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

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**CRM-M-8501-2025 (O&M)
Date of decision : 08.10.2025**

Kamlesh

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Sahil Choudhary, Advocate
for the petitioner.

Ms. Himani Arora, DAG, Haryana.

MANISHA BATRA, J. (Oral)

1. Prayer in this petition, filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, is for grant of regular bail to the petitioner in case arising out of FIR No. 578 dated 09.11.2013, registered under Sections 18 and 27-A of the Narcotic Drugs and Psychotropic Substances Act, 1985 (*for short 'NDPS Act'*) at Police Station Ambala City, District Ambala.

2. Brief facts of the case relevant for the disposal of the present petition are that on 09.11.2013, on the basis of a secret information, the petitioner and co-accused Ram Narayan were apprehended by a police party and recovery of 01 kg. of opium was effected from the petitioner, whereas recovery of 300 grams of opium was effected from co-accused Ram Narayan. Upon interrogation on 10.11.2013, the petitioner Kamlesh disclosed that they were supplying the contraband in the areas of Haryana, Punjab and Delhi on the instructions of co-accused Prem Chand @ Prem Chand Meena as he used to give them an amount of Rs. 10,000/- for supplying the contraband. On the basis

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of the same, the said person was nominated in this case as an accused. Co-accused Ram Narayan faced full length trial and was acquitted by the learned trial Court, vide judgment dated 09.07.2019. However, the petitioner absconded and was declared a proclaimed offender. He was re-arrested on 27.09.2024 and since then, he is in custody. The trial is going on.

3. Learned counsel for the petitioner has argued that the petitioner has been falsely implicated in this case. He was granted concession of regular bail by the learned trial Court and was regularly attending the Court proceedings but subsequently, he could not appear before the Court due to the reasons beyond his control, which resulted into his declaration as a proclaimed offender. The petitioner, after his re-arrest, is in custody since 27.09.2024. The trial is not progressing properly. The chances of the petitioner's conviction are bleak as on the same set of allegations, the prosecution has failed to bring home the guilt of co-accused Ram Narayan and he has been acquitted by the learned trial Court. More so, the quantity of the contraband allegedly recovered from the petitioner does not fall under commercial quantity. Co-accused Prem Chand @ Prem Chand Meena has already been granted concession of regular bail by this Court. The petitioner is ready to abide by the terms and conditions to be imposed by this Court. He undertakes to attend the Court proceedings, as and when he is required to do so. It is, therefore, urged that the petition deserves to be allowed and the petitioner deserves to be granted concession of regular bail.

4. Reply as well as the custody certificate of the petitioner has been filed by the respondent-State. Learned State counsel has argued that keeping in view the gravity of the allegations levelled against the petitioner as well as his conduct, he is not entitled to get benefit of bail. Therefore, it is urged that the

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petition is liable to be dismissed.

5. I have heard learned counsel for the parties at considerable length and have also gone through the material placed on record.

6. Admittedly, the petitioner was previously on bail and he was appearing before the learned trial Court. However, subsequently he absented himself before the Court concerned, consequent to which, his bail had been cancelled and he was declared a proclaimed offender. He was re-arrested on 27.09.2024 and since then, he is in custody as his application for grant of regular bail had been dismissed by the learned trial Court. A perusal of the record reveals that in the meanwhile, co-accused Ram Narayan, who was apprehended with the petitioner and from whom recovery of 300 grams of opium was effected, has been acquitted by the learned trial Court. The quantity of the contraband allegedly recovered from the petitioner obviously does not fall under commercial quantity. As informed by learned State counsel, there are total 22 prosecution witnesses and only 12 out of them have been examined so far, which means the conclusion of trial would take a long time. The non-appearance of the petitioner before the learned trial Court was obviously due to his carelessness but it does not attract the consequence of keeping him into custody through the entire trial. He is in custody since the date of his re-arrest. Keeping in view the aforesaid facts and circumstances, I am of the considered opinion that this petition deserves to be allowed. Accordingly, the same is allowed and the petitioner is ordered to be released on regular bail, subject to his furnishing personal bonds and surety bonds by two sureties to the satisfaction of the trial Court/Duty Magistrate concerned and on the following conditions:-

(i) the petitioner shall not directly or indirectly make

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any inducement, threat or promise to any person acquainted with the facts of the case or tamper with the evidence of the case in any manner whatsoever.

(ii) he shall appear before the SHO of the police station concerned on first Monday of every month at 11:00 AM till the conclusion of trial.

(iii) he shall not leave the country under any circumstance without permission of the learned trial Court.

(iv) he shall appear before the learned trial Court as and when directed.

(v) he shall provide his address where he would be residing after release and shall not change the same without informing the concerned IO/SHO.

(vi) the petitioner, upon his release, shall submit copies of his Aadhar Card, PAN Card as well as his mobile phone number with the trial Court and shall keep his mobile phone switched on all times during trial.

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

8. It is made clear that any observation made herein above is only for the purpose of deciding the present petition and the same shall have no bearing on the merits of the case.

08.10.2025

Waseem Ansari

**(MANISHA BATRA)
JUDGE**

*Whether speaking/reasoned
Whether reportable*

*Yes/No
Yes/No*