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CRM-M-836-2025**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH****210****CRM-M-836-2025****Date of Decision: 29.11.2025****BIKRAMJIT SINGH ALIAS BIKKA****... PETITIONER****VERSUS****STATE OF PUNJAB****... RESPONDENT****CORAM : HON'BLE MR. JUSTICE H.S.GREWAL****Present:- Mr. Rishu Mahajan, Advocate for the petitioner.****H.S. Grewal, J.(Oral)**

1. This petition has been filed under Section 483 of the BNSS for grant of regular bail to the petitioner in FIR No. 157 dated 01.09.2023 under Sections 21/23/25/29 of NDPS Act registered at Police Station, Gharinda, District Amritsar.
2. The allegations against the petitioner are that he was involved in smuggling heroin from Pakistan through the use of a drone, and that 470 grams of heroin was recovered from his possession.
3. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case. The petitioner is in custody since 01.09.2023. He further submits that nothing has been recovered from the possession of the petitioner and an alleged false recovery has been planted on the petitioner.
4. Notice of motion.



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5. Mr. Rishabh Singla, AAG, Punjab accepts notice on behalf of the respondent-State and opposed the bail application on the ground that petitioner has indulged in smuggling of heroin from Pakistan through drone and prayed for dismissal of the bail of the petitioner. He has filed the custody certificate of the petitioner in the Court today and the same is taken on record. As per custody certificate, the petitioner is in custody for the last 02 years 02 months and 23 days. He further submits that out of 10 prosecution witnesses only 4 have been examined so far.

6. I have heard the submissions made by learned counsel for the parties and perused the record.

7. Learned counsel for the petitioner has brought to the notice of this Court the order dated 06.08.2025 passed by the Court below and the same is reproduced as under:-

“Accused not produced in court by the Jail Authorities. Now, production warrants of accused be issued for 14.10.2025 with direction to produce him in Court through video conferencing.

It is reported on the summon that ASI William Masih has died.

Bailable warrants to the tune of Rs.10,000/- with one surety in the like amount issued to Pws Surjit Singh has been received back unserved. So, he be summoned through non bailable warrants for 14.10.2025. His salary is also ordered to be attached and intimation regarding same be sent to the concerned DDO immediately. The process is ordered to be issued through the IO of this case and office of DA and SSP/Commissioner. It is made clear that no further opportunity will be granted for this purpose.”

8. This Court has noticed that despite service by way of summons, bailable warrants and non-bailable warrants, the police officials are not appearing as witnesses deliberately in the present case. In fact, it is a matter of



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grave concern for all Courts. Apart from that, it not only amounts to interference in the administration of justice, but is also violative of right of accused under Article 21 of the Constitution of India. Even this intentional absence of official witnesses helps the accused in claiming that he had been incarcerated for a longer period and such plea serves as an additional ground in favour of the petitioner to secure his bail.

9. Having considered the period of custody already undergone by the petitioner, the slow progress of the trial, and the apparent inability of the prosecution to secure the presence of its own official witnesses despite repeated opportunities resulting in an avoidable delay, this Court is of the view that further incarceration of the petitioner would serve no fruitful purpose. Accordingly, this Court has left with no other option but to grant the concession of regular bail to the petitioner during the pendency of the trial.

10. Therefore, without expressing any opinion on the merits of the case, the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing requisite bail bonds, surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate concerned.

11. It is clairfied that if on bail so granted through the instant order, the petitioner is found indugling in any other ciriminal case it shall be open to the State to seek cancellation of his bail.

(H.S.GREWAL)
JUDGE

29.11.2025
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Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No