

2025:PHHC:114058



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

208

CRM-M-4895-2024

Date of decision: August 27, 2025

SHINDER SINGH @ PAPPU

.....Petitioner

Versus

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Chandan Singh Rana, Advocate
for the petitioner.

Mr. H.S. Deol, Sr. DAG, Punjab.

MANJARI NEHRU KAUL, J.(ORAL)

1. The instant petition has been filed under Section 439 of Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in case FIR No.85 dated 23.08.2023 under Sections 21(C) of the Narcotic Drugs and Psychotropic Substances Act, 1985 , registered at Police Station Mehatpur, District Jalandhar Rural (Annexure P-1).

2. Learned counsel for the petitioner submits that the petitioner has been languishing in custody since 23.08.2023 after he was alleged to have been apprehended with 255 grams of heroin (marginally higher than the minimum classified as 'commercial' under the NDPS Act). It has been argued by the learned counsel that the petitioner is innocent and has been unnecessarily targeted by the police officials, and thereafter, made an accused in the present case. It has also been submitted that after the challan was presented on 24.01.2024, charges were framed against the petitioner on 05.06.2024, however, only two witnesses out had been partly examined out



of the 14 cited by the prosecution, and the was being adjourned time and again on account of the repeated non-appearance of the prosecution witnesses, who in the present case are all police officials.

3. While placing on record the *zimni* orders of the learned trial Court, learned counsel for the petitioner has further submitted that a perusal of these orders clearly reveal that despite issuance of non-bailable warrants to secure the presence of the prosecution witnesses, they had been absenting themselves before the learned trial Court. Learned counsel submits that in the circumstances, a clear inference can be drawn that the prosecution has a weak case against the petitioner, and therefore, the witnesses are reluctant to come and testify before the learned trial Court. It has also been submitted that on account of lackadaisical conduct of the prosecution witnesses, the right of the petitioner to a fair and speedy trial has been severely compromised.

4. *Per contra*, learned State counsel, while vehemently opposing the prayer and submissions made by the counsel opposite, has not disputed the custody period of the petitioner nor has he, on instructions, disputed the stage of trial; the contents of the *zimni* orders, which have been placed on record, have also not been controverted by the learned State counsel, on instructions. However, learned State counsel has asserted that the petitioner has criminal antecedents as he is involved in four more criminal cases under the NDPS Act.



5. Learned counsel for the petitioner has asserted that in the other criminal cases, which are pending against the petitioner, no recovery of any contraband was made from him, and it was only pursuant to the disclosure statements made by the co-accused therein, the petitioner was nominated as an accused in those FIRs.

6. I have heard learned counsel for the parties and perused the relevant material placed on record.

7. The petitioner has been in custody for more than two years having been arrested on 23.08.2023. After the charges were framed on 05.06.2024, the case has come to a virtual standstill on account of the repeated absence of the prosecution witnesses. This Court, therefore, concurs with the submissions made by the learned counsel for the petitioner that on account of the repeated non-appearance of the prosecution witnesses, the right of the petitioner to a speedy and fair trial has been indeed severely compromised. A perusal of the *zimni* orders, which have been placed on record, clearly corroborates the submissions made by the learned counsel for the petitioner that the trial has been unnecessarily delayed for reasons not attributable to the petitioner. The recovery in the present case is marginally higher than the minimum classified as 'commercial' under the NDPS Act.

8. In the facts and circumstances as enumerated hereinabove, this Court deems it fit to admit the petitioner to bail. Accordingly, the instant petition is allowed, and the petitioner be admitted to bail on his furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate



concerned. However, while admitting the petitioner to bail, learned trial Court/Duty Magistrate concerned may put him to any stringent conditions as it deems fit, so as to ensure the presence of the petitioner during the trial.

9. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

10. Needless to add here, in case the petitioner is found misusing the concession of bail, the State would be at liberty to approach this Court to seek cancellation of bail to him.

August 27, 2025
Jaspreet Kaur

(MANJARI NEHRU KAUL)
JUDGE

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