



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

228

CRM-M-6948-2025
Decided on : 22.04.2025

Javed Ahmed Sheikh . . . Petitioner(s)
Versus
State of Punjab . . . Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. Raj Kumar Gupta, Advocate and
Mr. Vikas Dahiya, Advocate
for the petitioner(s).

Mr. Jasdeep Singh, DAG, Punjab.

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
Javed Ahmed Sheikh	144	12.10.2019	15 and 22 of NDPS Act, 1985	Maqsudan	Jalandhar Rural

2. At the outset, learned State counsel has filed the status report dated 21.04.2025, 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.

3. As per status report, out of total 12 prosecution witnesses, 8 witnesses have been examined and 3 have already been given up by the prosecution. Petitioner is stated to be there inside jail for the period of about



more than 05 years and 04 months.

4. Learned counsel for the petitioner argues that though the quantity recovered seems to be very heavy, but the right of bail has already been defeated by the prosecution. Even if it is assumed that the petitioner has committed the alleged offence, and thereupon, after conviction, his right for suspension of sentence would be worth considerable, even at the very first date, as the petitioner has suffered incarceration inside jail for the period of about 05 years and 04 months.

5. *Per contra*, learned State counsel while opposing the prayer of bail, submits that the contraband recovered from the petitioner falls within the ambit of 'commercial' quantity, and therefore, argument addressed by petitioner's counsel is misconceived.

However, learned State counsel is unable to controvert any of the factual submissions regarding the case or the status of the proceedings, as stated and recorded here-above.

6. Heard.

7. Without commenting on the merits of the case, 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.

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

9. 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.

10. Petition stands **disposed of**.

11. It is, however, made clear that if the petitioner would remain absent on any of the dates and the proceedings before the trial Court gets delayed at his instance, except seeking prior permission, the concession of bail granted to the petitioner shall be deemed to be cancelled automatically, and the Trial Court shall be competent to issue process of arrest of the petitioner.

(SANJAY VASHISTH)
JUDGE

April 22, 2025

J.Ram

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No