



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

222

CRM-M-9167-2025

Date of Decision : 29.09.2025

IKHLAS ALIAS EKHLAS

...Petitioner

VERSUS

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MS. JUSTICE AARADHNA SAWHNEY

Present: Mr. Mohammad Arshad, Advocate
for the petitioner.

Mr. Vikram Singh, AAG, Haryana.

AARADHNA SAWHNEY, J. (ORAL)

1. This is the second petition for grant of bail under Section 483 BNSS, filed by petitioner, a co-accused in case bearing FIR No.165 dated 11.06.2022, registered against him and another at Police Station Mundkati, District Palwal, for the commission of offences punishable u/s 20 of Narcotic Drugs and Psychotropic Substances Act, 1985.

2. On 25.04.2025, following order was passed:-

“Vide order dated 06.11.2024, this Court while disposing off petition bearing CRM-M-3211-2024 (O&M) had observed as under:

“Present petition has been filed under Section 439 of the Code of Criminal Procedure for grant of bail pending trial to the petitioner in FIR No.165 dated 11.06.2022, under Section 20 of the Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Mundkati, District Palwal, Haryana.

2. After arguing for some time, when this Court was not inclined to accept the prayer, learned counsel for the petitioner, on



instructions, submits that present petition be disposed off as not pressed, at this stage.

3. Ordered accordingly.

4. However, keeping in view the custody of petitioner, learned trial Court is requested not to grant unwarranted adjournments to either of the parties and order dated 04.10.2024 passed by this Court be also kept in mind.

5. Above observations be not construed as an expression of opinion on merits of case, in any manner. Pending application(s), if any, shall also stand disposed off.”

Despite aforesaid observations, case was fixed before learned trial Court on three occasions i.e 14.01.2025, 25.02.2025 and 08.04.2025, resulting into passing the following orders, respectively:-

“Today the case was fixed for prosecution evidence. No PW is present. Process received back unserved. Now, case is adjourned to 25.02.2025 for prosecution evidence. PWs at serial No.5,6 & 8 be summoned through SHO concerned.

Sd/- ASJ, Palwal

14.01.2025”

“Today the case was fixed for prosecution evidence. Summon issued to PW ASI Ashok Kumar received back with the report of service through phone but he has not turned up despite service. One PW Trilok Mangla is present and examined as PW6. No other PW is present.

Now, the case is adjourned to 08.04.2025 for prosecution evidence. PW ASI Ashok Kumar be summoned through bailable warrants in the sum of Rs.5,000/- with one surety in the like amount. PWs at serial No.8 & 10 be summoned through SHO concerned.”

Sd/- ASJ, Palwal

25.02.2025”

“Today the case was fixed for prosecution evidence. Summon/Bailable warrants issued against PWs ASI Ashok Kumar and ASI Naresh received back with the report of service through phone but they have not turned up despite service. One PW Retd



SI Ram Jiwann is present and examined as PW7. No other PW is present.

Now, case is adjourned to 20.05.2025 for prosecution evidence. PW ASI Naresh be summoned through bailable warrants in the sum of Rs.5000/- with one surety in the like amount. PW ASI Ashok Kumar be summoned through non-bailable warrants. PWs at serial No.11 & 12 be summoned through SHO concerned.

Sd/- ASJ, Palwal

08.04.2025”

A perusal of aforesaid orders reveals that prosecution witnesses are not coming forward to depose before learned trial Court.

Learned State counsel seeks time to have instructions in the matter.

Posted for 09.07.2025.

In the meanwhile, petitioner be released on interim bail in the present case, till the next date of hearing, on furnishing adequate bail and surety bonds subject to the satisfaction of learned trial Court/CJM/Duty Magistrate concerned.

Superintendent of Police, Palwal is directed to examine the matter and if need be, to take necessary action against the erring police officials who are not coming forward before learned trial Court.”

3. Learned counsel for the petitioner submits that in terms of order dated 25.04.2025, petitioner had been granted the concession of interim bail. Since then, petitioner has never misused the concession of interim bail and now the trial is nearing completion. It has been thus prayed that the concession of interim bail be made absolute.

3. Reply dated 05.07.2025 by way of affidavit of Mr. Kuldeep Singh, Deputy Superintendent of Police, Hodal, District Palwal, filed on behalf of the respondent-State has already been placed on record, wherein the factual aspect of the case has been highlighted. It has further been pointed out that though investigation qua petitioner are complete, charges have been framed and out of 14



prosecution witnesses, only 07 witnesses have been examined. In the light of the heavy recovery of contraband, dismissal of the petition has been prayed for.

4. On a query raised by this Court, it was fairly admitted by learned State counsel that order dated 25.04.2025, vide which interim bail was granted to the petitioner, remains unchallenged as also that he (petitioner) has been regularly attending the Court proceedings and has not misused to concession.

5. Heard.

6. In view of the submissions advanced by learned counsel for the petitioner, considering the fact that trial is nearing completion, petitioner has never misused the concession of interim bail, interim bail granted vide order dated 25.04.2025 is hereby confirmed, subject to conditions as envisaged under Section 482(2) BNSS. Further the petitioner is directed to join investigation as and when required in future by way of written notice for such purpose to be served by Investigating Officer of this case upon the petitioner; he will not tamper with the evidence nor will influence the witnesses and will not leave the country without prior permission of the Court.

7. The petition stands allowed.

(AARADHNA SAWHNEY)
JUDGE

29.09.2025
Nisha Yadav

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No