



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

210

CRM-M-13461-2025 (O&M)

Date of decision: 27.08.2025

Mukander Kumar

...Petitioner

VERSUS

State of Punjab

...Respondent

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present :- Mr. Ajeet Pal Singh Pakka, Advocate for the petitioner(s).

Mr. Mohit Kapoor, Sr. DAG Punjab.

VINOD S. BHARDWAJ, J. (Oral)

1. The instant petition has been filed under Section 483 of The Bharatiya Nagarik Suraksha Sanhita, 2023, for the grant of regular bail to the petitioner in case bearing FIR No.50 dated 05.04.2024, registered under Section 22 of the NDPS Act (Section 29 of the NDPS Act added later on) at Police Station City Khanna, District Khanna.

2. Briefly summarizing, the case of the prosecution is that on 05.04.2024, co-accused of applicant namely Sant Ram @ Ajay Kumar was arrested by the police. From his possession, intoxicant tablets were recovered. During investigation, he disclosed the name of the applicant, as such, the applicant was nominated as an accused and offence under Section 29 of NDPS Act was added.

3. Learned counsel for the petitioner *inter alia* contends that on the basis of a secret information, the FIR had been registered against co-



accused Sant Ram @ Ajay Kumar. Recovery of 7600 intoxicating tablets of Tramadol Hydrochloride was effected from the said co-accused. The petitioner was nominated in the present case on the disclosure statement of said co-accused, but no recovery of any nature whatsoever has been effect from the petitioner. He contends that the petitioner is not an accused in any other case of similar nature and has already undergone the actual custody of nearly 01 year and 03 months. He further submits that the trial is at an initial stage, as only 01 prosecution witness out of the total 16 has been examined so far. He further contends that the petitioner has been in custody since 24.07.2021 and that the petitioner has already undergone actual custody for a period of more than two years and four months. He submits that only 5 witnesses out of 26 witnesses cited by prosecution have been examined so far.

4. Learned counsel for respondent-State is not in a position to controvert any of the aforesaid factual aspects.

5. Taking into consideration the fact that the petitioner has been arrayed as an accused solely on the basis of the disclosure statement of the co-accused Sant Ram @ Ajay Kumar, without any actual recovery whatsoever having been effected from the him as well as the total custody undergone and bearing in mind the conclusion of the trial is likely to take a long time, I deem it fit to allow the instant petition.

6. Accordingly, the instant petition is allowed and the petitioner is ordered to be admitted to regular bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Illaqa Magistrate



concerned with an undertaking to the effect that he shall not indulge in any other criminal activity and shall maintain peace for a period of one year from the date of submission of the bail bonds.

7. It is made clear that the petitioner shall not extend any threat and shall not influence any prosecution witness in any manner directly or indirectly.

8. The observation made hereinabove shall not be construed as an expression on the merits of the case and the trial Court shall decide the case on the basis of available material.

(VINOD S. BHARDWAJ)
JUDGE

27.08.2025
Mangal Singh

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