



216

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

CRM-M-14109-2025

Date of Decision:04.07.2025

MUBARIK HUSEN ALIAS MUBARIK

...PETITIONER

VS.

STATE OF PUNJAB

...RESPONDENT

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present :- Mr. S.S. Dhillon, Advocate
for the petitioner.

Mr. M.S. Bajwa, DAG, Punjab.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the present petition under Section 439 of Cr.P.C. with a prayer to grant regular bail to him in case FIR No.24 dated 12.03.2012, registered under Sections 15/18/25 of NDPS Act, Police Station Bahawal, District Fazilka.

2. Learned counsel for the petitioner contends that the FIR in the present case was initially registered against Surjit Singh @ Lali and Karaj Singh with the allegations that they were carrying 1330 kg of poppy husk and 9 kg 500 grams opium in a pick up vehicle. In fact Karaj Singh was driving the vehicle and he fled away from the spot. He further contends that the petitioner was not named in the FIR and has been involved in the case by alleging that the



vehicle, which was recovered by the police, was registered in the name of the petitioner. He further submits that even though the petitioner was declared as a proclaimed offender in the present case, but he was arrested by the police on 31.12.2023 and is in custody since then. Now, the challan has been presented against him and the prosecution has examined only 04 witnesses out of total 17 witnesses so far. Consequently, the trial is not likely to conclude in near future.

3. On the other hand, learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner on the ground that serious allegations have been levelled against the present petitioner and he does not deserve the concession of bail by this Court. However, he admits that there is no other case against him. He has also filed Status report by way of an affidavit of the Superintendent of Police, Abohar (Rural) District Fazilka on behalf of the respondent-State and the same is taken on record.

4. I have heard the learned counsel for the parties and perused the record carefully.

5. It is an admitted case of the prosecution that only Karaj Singh and Surjit Singh @ Lali were present in the vehicle, in which the contraband was being transported and the petitioner was not presented at the spot. Moreover, the petitioner is in custody for the last more than 01 year and 06 months and only 04 witnesses have been examined so far and the trial is not likely to conclude in near future. Thus, the further custody of the petitioner will not serve any useful purpose.

6. Without commenting on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail pending trial on his



furnishing bail bonds and surety to the satisfaction of the concerned trial Court/
Duty Magistrate/Chief Judicial Magistrate subject to the following conditions:-

- (i) The petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, so as to dissuade him to disclose such facts to the Court or to any other authority.*
- (ii) The petitioner shall remain present before the Court on the dates fixed for hearing of the case.*
- (iii) The petitioner shall not absent himself from the Court proceedings except on the prior permission of the Court concerned.*
- (iv) The petitioner shall surrender his passport, if any, (if already not surrendered), and in case he is not holder of the same, he shall swear an affidavit to that effect.*
- (v) The petitioner shall also file his affidavit before the concerned Court, mentioning his ordinary place of residence and number of mobile phone, which shall be used by him during the pendency of the trial. In case of change of place of residence/mobile number, he shall share the details with the concerned Court/learned Trial Court.*
- (vi) In case, the petitioner is involved in any other criminal activity, during the pendency of the trial, it shall be viewed seriously.*
- (vii) The concerned Court may insist on two heavy local sureties and may also impose any other condition, in accordance with law, while accepting the bails bonds and surety bonds of the petitioner.*
- (viii) The appellant shall report every 1st Monday in English calander month before the concerned SHO till the conclusion of the trial and SHO shall mark his presence by making an entry in the Rojnamcha. In case, he does not report on every 1st Monday before the concerned SHO, it shall be viewed seriously and the concession granted to him shall be liable to be cancelled and the*



State of Punjab shall be at liberty to move an appropriate application in this regard.

7. In case, the petitioner violates any of the conditions mentioned above, it shall be viewed seriously and the concession of bail granted to him shall be liable to be cancelled and the prosecution shall be at liberty to move an application in this regard.

04.07.2025
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(N.S. SHEKHAWAT)
JUDGE

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