

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

2025:PHHC:083937



CRM-M-13928-2025
Date of decision: 11.07.2025

Chabila Ram @ Mohinder @ Bittu Singh
V/s

....Petitioner

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Parminder Singh Sekhon, Advocate for the petitioner.

Mr. Durgesh Garg, AAG Punjab.

SUMEET GOEL, J.(Oral):

1. Present petition has been filed under Section 439 Cr.P.C. (483 of BNSS, 2023) seeking grant of regular bail to the petitioner in FIR No.126 dated 25.06.2020, under Sections 15/29 of the NDPS Act, 1985 registered at Police Station Sangat, District Bathinda.

2. The gravamen of the FIR in question is that 52 Kg of poppy husk was recovered from the co-accused of the petitioner (herein) namely Manpreet Singh and Baljeet Singh. The petitioner has been nominated as an accused on the basis of the disclosure statement of the co-accused.

3. Learned counsel for the petitioner has iterated that the story put forth by the prosecution is highly implausible, concocted and fabricated just to implicate the petitioner in the present case. Learned counsel has further iterated that the petitioner has been implicated solely on the basis of disclosure statement of co-accused, which is impermissible under law. The petitioner has no involvement whatsoever in the FIR in question. According to learned counsel for the petitioner, the misuse of the procedural safeguards and reliance on inadmissible evidence highlights the malicious intent behind the action of the prosecution. Learned counsel has further iterated that the

said co-accused namely Baljeet Singh and Manpreet Singh have been granted the concession of regular bail by this Court vide orders dated 11.09.2020 and 24.09.2020 in **CRM-M-26754-2020** (Annexure P-2) and **CRM-M-28717-2020** (Annexure P-3), respectively.

4. *Per contra*, learned State counsel has strenuously opposed the instant petition by arguing that the allegations against the petitioner are serious in nature. Learned State counsel has further iterated that the FIR in question pertains to recovery of 52 Kg poppy husk and, therefore, bar under Section 37 of the NDPS, 1985 is attracted. Furthermore, expressing concern about the possibility of the petitioner fleeing from the trial proceedings, learned State counsel has opposed the prayer. Learned State counsel has filed the custody certificate dated 09.07.2025 and has relied upon the involvement of the petitioner in one other case under the NDPS Act. He has, accordingly, sought for dismissal of the petition in hand.

5. I have heard learned counsel for the rival parties and have perused the available record.

6. The petitioner was arrested on 19.08.2024 whereinafter investigation was carried out and challan was presented on 06.11.2024. Total 15 prosecution witnesses have been cited and none has been examined till date. As per the custody certificate dated 09.07.2025, the petitioner has suffered incarceration for 10 months and 20 days, which is an undue long custody period, when juxtaposed with the pace of the trial i.e. out of 15 prosecution cited witnesses none has been examined till date. Nothing has been brought forward before this Court to indicate that the procrastination of the trial is on account of any folly on part of the petitioner. Profitable reference in this regard ought to be made to a judgment of this Court passed in **CRM-M-64074-2024 'Kulwinder Vs. State of Punjab'**.

Further, the prime prosecution case against the petitioner primarily hovers around disclosure statement made by co-accused. The veracity/weightage required to be attached to said disclosure statement shall be assessed during the course of trial. A profitable reference is being made to a judgment of this Court passed in ***CRM-M-65094-2024 'Anshul Sardana Vs. State of Punjab'***.

The petitioner is stated to be involved in one more case under the NDPS Ac. In the peculiar factual milieu of the present case, the factum of petitioner being involved in another criminal case ought not to be a reason sufficient by itself to decline the concession of regular bail to the petitioner qua FIR in question, especially when the petitioner has been able to make out a case for grant of regular bail in the FIR in question on merits thereof.

Indubitably, the present petition is third regular bail petition. The first one bearing No. CRM-M-52608-2024 was dismissed as withdrawn on 12.12.2024 (Annexure P6). Similarly, second petition bearing No. CRM-M-6403-2025 (Annexure P-7) was dismissed as withdrawn on 07.02.2025 (Annexure P-7). Keeping in view the extended incarceration of the petitioner and the likelihood of culmination of the trial not being in near foresight, this Court is inclined to consider the instant bail petition favourably. A profitable reference can be made to a judgment of this Court passed in **Rafiq Khan v. State of Haryana and another, CRA No.2332 of 2023** decided on 22.02.2024.

Suffice to say, further detention of the petitioner as an undertrial is not warranted in the facts and circumstances of the case.

7. In view of above, the present petition is allowed. Petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the Ld. concerned trial Court/Duty Magistrate. However,

in addition to conditions that may be imposed by the concerned trial Court/Duty Magistrate, the petitioner shall remain bound by the following conditions:-

- (i) The petitioner shall not mis-use the liberty granted.
- (ii) The petitioner shall not tamper with any evidence, oral or documentary, during the trial.
- (iii) The petitioner shall not absent himself on any date before the trial.
- (iv) The petitioner shall not commit any offence while on bail.
- (v) The petitioner shall deposit his passport, if any, with the trial Court.
- (vi) The petitioner shall give his cellphone number to the Investigating Officer/SHO of concerned Police Station and shall not change his cell-phone number without prior permission of the trial Court/Illaqa Magistrate.
- (vii) The petitioner shall not in any manner try to delay the trial.

8. In case of breach of any of the aforesaid conditions and those which may be imposed by concerned trial Court/Duty Magistrate as directed hereinabove or upon showing any other sufficient cause, the State shall be at liberty to move cancellation of bail of the petitioner.

9. Ordered accordingly.

10. Nothing said hereinabove shall be construed as an expression of opinion on the merits of the case.

11. Since the main case has been decided, pending miscellaneous application, if any, shall also stands disposed off.

(SUMEET GOEL)
JUDGE

July 11, 2025
Naveen

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