



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

217

CRM-M-14168-2025
Date of decision: 03.11.2025

MAHENDER KUMAR ALIAS MAHENDRAPetitioner

VERSUS

STATE OF PUNJABRespondent

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

Present: - Mr. Ashok Saini, Advocate
for the petitioner.

Mr. Mohit Kapoor, Senior DAG, Punjab.

VINOD S. BHARDWAJ, J. (Oral)

The instant petition has been filed under Section 483 of The Bharatiya Nagarik Suraksha Sanhita, 2023, for the grant of regular bail in case bearing FIR No. 139 dated 11.07.2023, registered under Section(s) 18-C/61/1985 of the N.D.P.S. Act, 1985 at Police Station Sadar, Ludhiana.

2. Learned State Counsel informs that bail application of the co-accused Vishan Ram @ Vishana Ram was dismissed by this Court vide order dated 08.09.2025 passed in CRM-M-48892-2025 noticing that only 03 witnesses remain to be examined. He contends that now only two witnesses remain to be examined.

3. Learned Counsel appearing on behalf of the petitioner, submits

that a perusal of zimni orders reflect that PW-13 Inspector Gurpreet Singh and PW-10 remain to be examined.

4. Learned State Counsel undertakes that both the witnesses shall be produced before the trial Court on the next date of hearing viz. 14.11.2025.

5. The aforesaid statement is accepted. However, as an additional observation, upon perusal of the different zimni orders, it is noticed that despite bailable warrants having been issued for Inspector Gurpreet Singh (PW-13) he has persistently not been appearing and the warrants remained unexecuted. Such failure cannot be accepted as one amongst many failures that the Police often commits. It rather shows a dismissive approach by the Police officials to the execution of warrants when the same pertains to Police Officers. The supremacy of law is thus belittled by the inflated ego's of Police Officers who choose to ignore the summons by the Sessions Court in session trials. The majesty of law is not to the amuse of the officials and more so when the entire trial is held upon, the accused await mercy of their appearance. It is not just the act of one but the concerted approach of all those, who are to assist in the administration of justice, which actually bothers this Court.

6. The Director General of Police, Punjab is accordingly directed to issue appropriate instructions for withholding the salary of Inspector Gurpreet Singh, who has been cited as a prosecution witness in the present case, till his deposition before the Court.

7. It is also noticed by this Court that the bailable warrants issued against the said Inspector have repeatedly been returned unexecuted.

Invariably, the office and authority vested in a Police Officer are being

abused by the respondent. This Court is, therefore, inclined to impose heavy costs against the said official as well as upon the office of Commissioner of Police, Ludhiana for the failure on the part of the officials to ensure execution of the bailable warrants issued by the Court against a serving official. Accordingly, while dismissing the present petition, the Commissioner of Police, Ludhiana is directed to file an affidavit explaining reasons & circumstances for non-execution of the bailable warrants. The affidavit shall also give particulars of all cases, within the jurisdiction of Ludhiana Commissionerate, during the past five years, wherein bailable warrants issued against various Police officials have remained unexecuted.

8. Notice be also served upon Inspector Gurpreet Singh to show cause as to why his abuse of authority be not perceived as an act of obstruction in the administration of justice and penal action be not initiated against him. Commissioner of Police, Ludhiana shall ensure service of this order on the above officer.

9. Let the necessary affidavit be filed by the respective officials within a period of three weeks, failing which the same shall be accepted upto a further period of one week on payment of cost of Rs. 1 lakh to be recovered from Commissioner of Police, Ludhiana.

10. A copy of this order be handed to the learned State Counsel for ensuring necessary compliance.

11. List for compliance on 16.12.2025

(VINOD S. BHARDWAJ)

JUDGE

NOVEMBER 03, 2025

Vishal Sharma

Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No