



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

222

CRM-M-14441-2025

Date of decision: 30.04.2025

Pardeep Kumar @ Laddi

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. R.K. Trikha, Advocate
for the petitioner.

Mr. Amit Rana, Sr. DAG, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner in the instant (second) petition is seeking the concession of bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in case FIR No.167 dated 01.11.2023 under Sections 22/61/85 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, 'the NDPS Act') registered at Police Station Bullowal, District Hoshiarpur.

2. Learned counsel for the petitioner submits that the petitioner was initially arrested on 01.11.2023 for allegedly being found in possession of 210 grams of Alprazolam. Learned counsel contends that subsequently the petitioner was granted the concession of interim bail on 08.02.2024 on account of the non-receipt of the FSL report. However, as soon as the FSL report was received, the petitioner surrendered back on 08.05.2024; charges were also framed against the petitioner on the same day. However, a perusal of the zimni orders

annexed with the petition clearly reveal that except on one date of hearing on all other dates of hearing, the case had been adjourned on account of absence of the prosecution witnesses or on the request of the prosecution itself. Learned counsel has submitted that this clearly compromises with the constitutional right of the petitioner to a fair and speedy trial; since nine prosecution witnesses have been cited and till date only one has been examined, the petitioner, therefore, deserves the concession of bail as the possibility of the trial concluding in the near future does not arise. Learned counsel has placed reliance upon ***Dheeraj Kumar Shukla Vs. State of Uttar Pradesh [SLP(Crl.) No.6690/2022]*** wherein in almost identical circumstances, Hon'ble the Supreme Court had extended the concession of bail to the accused therein by dispensing with the conditions of Section 37 of the NDPS Act.

3. *Per contra*, learned State counsel while opposing the prayer and submissions made by learned counsel for the petitioner, on instructions from ASI Kulwinder Singh, has submitted that a secret information had been received qua the involvement of the petitioner in drug trafficking following which the petitioner was apprehended with 210 grams of Alprazolam which has been classified as 'commercial' under the NDPS Act. Learned State counsel has, on further instructions, not disputed the custody period of the petitioner nor has he been able to controvert the contents of the zimni orders of the Trial Court on which reliance has been placed by the learned counsel for the petitioner.

4. On a pointed query with respect to the criminal

antecedents, if any, of the petitioner, learned State counsel on instructions, has submitted that the petitioner has clean criminal antecedents. On a further query as to whether the petitioner had misused the concession of interim bail which was granted to him on 08.02.2024 on account of non-receipt of FSL report, learned State counsel, on instructions, has replied in the negative.

5. I have heard learned counsel for the parties and perused the material placed on record.

6. The petitioner has now been in custody since 01.11.2023. The trial is unlikely to conclude in the near future as only one prosecution witness out of the nine has been examined. A perusal of the zimni orders annexed with the petition reveal that it is on account of the persistent absence of the prosecution witnesses who in the present case are all police officials, that the trial has been prolonged. The petitioner is not stated to be involved in any other criminal case much less under the NDPS Act. Hon'ble the Supreme Court in ***Dheeraj Kumar Shukla Vs. State of Uttar Pradesh (SLP(Crl.) No.6690/2022)*** decided on 25.01.2023 has observed as under:-

“.... It is true that the quantity recovered from the petitioner is commercial in nature and the provisions of Section 37 of the Act may ordinarily be attracted. However, in the absence of criminal antecedents and the fact that the petitioner is in custody for the last two and a half years, we are satisfied that the conditions of Section 37 of the Act can be dispensed with at this stage, more so when the trial is yet to commence though the charges have been framed.”

7. In the facts and circumstances as enumerated hereinabove,

this Court deems it fit to extend the concession of bail to the petitioner. Accordingly, the instant petition is allowed and the petitioner be admitted to bail on his furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

8. Needless to add, in case the petitioner misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of same.

30.04.2025

Vinay

(MANJARI NEHRU KAUL)
JUDGE

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