



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

216

CRM-M-18585-2025 (O&M)

Date of decision: 30.09.2025

Ajaypal

....Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. G.S. Kaura and Mr. Rangat Joshi, Advocate for the petitioner

Mr. Manipal Singh Atwal, DAG Punjab

AMAN CHAUDHARY, J. (ORAL)

1. Prayer in the present petition filed under Section 483 BNSS is for grant of regular bail to the petitioner in case FIR No.31 dated 29.03.2024, registered under Sections 21-C/29/61/85 of NDPS Act, at Police Station Bhikhiwind, District Tarn Taran.

2. Learned counsel contends that the petitioner has been in custody for 1 year and about 6 months. He alleges false implication. Even otherwise, he was merely a rider of the kinetic and cannot be said to be in possession of the contraband as it was allegedly recovered from the kit that was on the person of the co-accused, who is in custody. No independent witness was joined at the time of recovery and the signatures were taken on blank papers, and not thus it was not an offer as per the provisions under Section 50 of NDPS Act. Challan stands presented on 18.09.2024 and the charges have been framed on 10.01.2025, however, out of 11 prosecution witnesses, only 2 have been examined. The petitioner is not involved in any other case.

3. The custody certificate dated 27.09.2025, filed by the learned State



counsel is taken on record. As per the same, the petitioner is behind bars for 1 year, 5 months and 23 days.

4. Learned State counsel opposes the bail on the ground that the petitioner was apprehended at the spot and the recovery has been effected from kit worn by the co-accused and petitioner was along with him. However, he is unable to controvert the submissions with regard to stage of the case and the petitioner being not involved in any other case.

5. Heard.

6. Considering the facts and circumstances of the case, in particular that the petitioner is in custody for the last 1 year, 5 months and 23 days; not involved in other case; charges were framed on 10.01.2025 and only 2 out of 11 prosecution witnesses have been examined so far, the trial is likely to take a considerable time, further incarceration of the petitioner would be violative of his right enshrined under Article 21 of the Constitution of India, the present petition is allowed.

7. The petitioner is ordered to be released on regular bail, subject to furnishing bail/surety bonds to the satisfaction of trial Court/Duty Magistrate concerned, if not required in any other case and shall abide by the following conditions:-

- (i) The petitioner will not tamper with the evidence during the trial.
- (ii) The petitioner will not pressurize/ intimidate the prosecution witnesses.
- (iii) The petitioner will appear before the trial Court on each and every date fixed, unless is exempted by a specific order of Court.
- (iv) The petitioner shall not commit an offence similar to the offence of which, he is an accused, or for commission of which he is suspected of.
- (v) The petitioner shall not directly or indirectly coerce, induce, threaten or promise to any person acquainted



with the facts of the case so as to dissuade him/ her from disclosing such facts to the Court or to any police officer or tamper with the evidence in any manner.

- (vi) The petitioner shall not in any manner misuse his liberty.
- (vii) The petitioner shall furnish his address and mobile number by way of an affidavit to the trial Court and not change the same till conclusion of trial and if for any reasons, he seeks to change either of the aforesaid, it shall be done only with prior information to the learned trial Court.
- (viii) The petitioner shall not leave the country without prior permission of the trial Court.
- (ix) The trial Court/Duty Magistrate may impose any other condition, as deemed appropriate while releasing the petitioner.

8. It is made abundantly clear that in case there is any breach of the aforesaid conditions, the State shall be at liberty to seek cancellation of bail as granted to the petitioner by this order.

9. In view of the above, it is clarified that the observations made herein above are limited for the purpose of present proceedings and would not be construed as any opinion on the merits of the case and the trial would proceed independently of the aforesaid observations.

(AMAN CHAUDHARY)
JUDGE

30.09.2025
M.Kamra

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