

2025:PHHC:132569



219 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-24314-2025
Date of Decision: 23.09.2025

Rashpal Singh alias Kaka ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MS. JUSTICE AARADHNA SAWHNEY

Present: Mr. Gurdeep Singh, Advocate for
Mr. A.S. Dhaliwal, Advocate,
for the petitioner.

Mr. Gautam Thapar, Sr. DAG, Punjab.

AARADHNA SAWHNEY, J. (ORAL)

1. Petitioner, an accused in case FIR No.177 dated 12.08.2023, registered against him, under Section 22 & 27 of the Narcotic Drugs and Psychotropic Substances Act, 1985, at Police Station Dharamkot, District Moga, has filed the first petition for grant of bail under Section 483 of BNSS.

2. Learned counsel for the petitioner submits that petitioner has been falsely implicated in the present case. Learned counsel submits that 20 loose intoxicating tablets, alleged to have been recovered from the petitioner, were not recovered from his conscious possession but from an envelope lying on the ground.

Continuing further learned counsel submits that petitioner, who was arrested on 12.08.2023 has been in custody since then. Out of total 14 prosecution witnesses, till date only 02 witnesses have been examined, thus, completion of trial is likely to take some time. Learned counsel further submits

that in the wake of the fact that petitioner has been falsely implicated in the present case, has been in custody for such a long period and he is not involved in any other case of similar nature, deserves a lenient view to be taken in his favour, for his further incarceration would not serve any useful purpose.

3. *Per contra*, learned State counsel has opposed the request made by learned counsel for the petitioner on the ground that in view of the quantity of the contraband recovered from the conscious possession of the petitioner, he is not entitled to be released on bail, for if this concession is granted, he is likely to use the same by fleeing from the process of justice by not appearing in the Court as also to overawe the other prosecution witnesses.

However, he did not dispute the fact that petitioner has been in custody since 12.08.2023 as also that till date only 02 witnesses have been examined. Further in para 8 of the status report dated 20.09.2025 filed by way of affidavit of Mr. Jasvarinder Singh, PPS, Deputy Superintendent of Police, Dharmakot, District Moga, it has been specifically mentioned that petitioner is not involved in any other case.

4. Heard. Documents on record perused.

5. In view of the submissions advanced by learned counsel for the petitioner, the fact that trial is proceeding at a very slow pace, conclusion of the same would take some time, as also the fact that petitioner is not involved in other case of the like nature, this Court deems it appropriate to grant concession of bail subject to his furnishing bail/surety bonds to the satisfaction of trial Court/Duty Magistrate concerned. The petitioner 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 to the Trial Court forthwith and shall not change the same till the conclusion of the trial and in case for any reason, the petitioner seeks to change any of the aforesaid, the same shall be done only with prior intimation to the learned Trial Court, stating the reason for the same.

(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.

6. 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.

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

8. Accordingly, the present petition is allowed.

23.09.2025

Parveen kumar

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

(AARADHNA SAWHNEY)
JUDGE