



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

310

**CRM-M No.24578 of 2025
Date of decision : 24.7.2025**

Lucky

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Neeraj Yadav, Advocate, for the petitioner

Mr. Karunesh Kaushal, AAG, Punjab

SUMEET GOEL, J. (ORAL)

1. Present second petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') for grant of regular bail to the petitioner in case FIR No.101 dated 23.5.2024, under Section 15/61/85 of Narcotic Drugs and Psychotropic Substances Act, 1985 (Section 29 of NDPS Act added later on), registered at Police Station Sadar Khanna, District Khanna.
2. Learned counsel for the petitioner has contended that in a case of apparent false implication, the petitioner has now been in custody since 23.5.2024, and that too, on the basis of a disclosure statement allegedly suffered by co-accused, Lovedeep Singh and Surinder, from whom a recovery of 150 kgs of poppy husk was allegedly effected while they were travelling together in a truck. Learned counsel for the petitioner has



asserted that the evidentiary value of the disclosure statement is of a weak nature and cannot be made a basis of his conviction. Learned counsel has urged that since investigation is complete and even charges stand framed, further incarceration of the petitioner would serve no useful purpose, as out of 12 prosecution witnesses cited, 7 still remain to be examined.

3. Per contra, learned State counsel, while opposing the prayer and submissions made by the counsel opposite, has not disputed the custody period of the petitioner, nor has it been disputed, on instructions, that the petitioner came to be nominated as an accused in a disclosure statement allegedly suffered by co-accused from whom recovery of 150 kgs of poppy husk was made. However, learned State counsel has submitted that after the two co-accused were apprehended, during interrogation, they disclosed that the petitioner along with his car was standing at a pre-determined location and he was one of the prospective buyers of the recovered contraband. Learned State counsel has further submitted that although the petitioner was not found at the pre-determined location nor any contraband was recovered from the petitioner when he was arrested on 23.5.2024.

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

5. The challan in the present case stands presented on 19.9.2024 and even the charges stand framed against the petitioner. The likelihood of the trial concluding in the near future seems remote with 7 prosecution witnesses still remaining to be examined. Moreover, identically placed co-



accused Shubham Kumar Balu and Malwinder Singh have already been granted bail by this Court vide orders dated 27.03.2025 and 25.4.2025 respectively.

6. As per the said custody certificate dated 24.7.2025, the petitioner is stated to be involved in another FIR under the NDPS Act. Indubitably, the antecedents of a person are required to be accounted for while considering a regular bail petition preferred by him. However, this factum cannot be a ground sufficient by itself, to decline the concession of regular bail to the petitioner in the FIR in question when a case is made out for grant of regular bail *qua* the FIR in question by ratiocinating upon the facts/circumstances of the said FIR. Reliance in this regard can be placed upon the judgment of the Hon'ble Supreme Court in ***Maulana Mohd. Amir Rashadi v. State of U.P. and another, 2012 (1) RCR (Criminal) 586***; a Division Bench judgment of the Hon'ble Calcutta High Court in case of ***Sridhar Das v. State, 1998 (2) RCR (Criminal) 477*** & judgments of this Court in ***CRM-M No.38822-2022*** titled as ***Akhilesh Singh v. State of Haryana***, decided on 29.11.2021, and ***Balraj v. State of Haryana, 1998 (3) RCR (Criminal) 191***.

6.1 The present petition is indubitably the second bail petition on behalf of the petitioner. The first one was dismissed as withdrawn on 5.12.2024. Keeping in view the extended custody of the petitioner when *juxtaposed* with the pace of trial entitles him to grant of regular bail in view of the mandate of Article 21 of the Constitution of India. A profitable reference in this regard is being made to a judgment passed by



this Court in **Rafiq Khan v. State of Haryana and another**, **CRA No.2332 of 2023** decided on 22.2.2024, relevant whereof reads as under:

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 CJM/Duty Magistrate. However, in addition to conditions that may be imposed by the concerned CJM/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 cell-phone 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 CJM/Duty Magistrate as directed hereinabove or upon showing any other sufficient cause, the State/complainant 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.

(SUMEET GOEL)
JUDGE

24.7.2025
Ashwani

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