

PARGAT SINGH @ KALLAR
STATE OF PUNJAB

V/S

... PETITIONER
... RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Ms. Isha Goyal, Advocate and
Mr. R.P.Saini, Advocate for the petitioner.
Mr. Iqbalpreet Singh, A.A.G., Punjab assisted by
ASI Amlok Singh.
* * *

SANJAY VASHISTH, J. (ORAL)

The instant petition has been filed under Section 483 of BNSS, 2023 (earlier Section 439 Cr.P.C.), for grant of regular bail to the petitioner, during the pendency of trial, who has been booked in a criminal case arising out of First Information Report, as detailed hereunder:-

Name of Petitioner(s)	FIR No.	Date	Section(s)	Police Station	District
Pargat Singh @ Kallar	156	05.09.2023	22/29/61/8 5 of NDPS Act	Lopoke	Amritsar Rural

2. As per the case of prosecution on seeing the police party, the petitioner tried to turn around immediately and while turning, from the right pocket of his first layer of clothes, took out a black polythene which had some substance in it and attempted to throw the same on the grass towards the left side. On making search of the polythene, 284 gms of heroin was recovered from it.

planted against the petitioner. He, being of the age of 25 years, was never found indulged in any other similar activity in his past. Moreover, after completing the investigation, challan was submitted on 04.03.2024 and despite, he being inside jail for the last more than 02 years and 02 months period, out of 10 prosecution witnesses, only 1 prosecution witness has been examined till date. Therefore, in all likelihood trial would not be completed in the near future and in such circumstances, despite there being no fault on his part, he cannot be detailed for an indefinite period inside jail. He, thus, prays for grant of bail to the petitioner.

3. On advance notice and in response to the arguments addressed by learned counsel for the petitioner, learned State counsel, produces the custody certificate dated 13.11.2025 in Court today, which is taken on record. Office to tag the same at appropriate place. A copy thereof has been handed over to the counsel for the petitioner.

As per the custody certificate, in the present case, petitioner has already undergone 02 years 02 months and 06 days period inside jail and there is no other case registered against him.

4. Learned State counsel has not disputed the period of custody undergone by the petitioner, however, opposed the prayer for grant of bail to the petitioner on the ground of gravity of allegations.

5. After hearing learned counsel for the parties and perusing the relevant material available on record, and with their able assistance, this Court finds substance in the submissions made by learned counsel for the petitioner by observing that out of 10 prosecution witnesses, only 1 prosecution witness has been examined till date and 09 others are yet to be examined, moreover, petitioner has already undergone custody period of 02

years, 02 months and 06 days inside jail, there is no other case registered against him.

6. In view of totality of circumstances, and the facts/allegations levelled against the petitioner, and the factors noticed hereinabove, I deem it appropriate to grant the concession of bail to the petitioner as he is a first-time offender and requires to be afforded one more chance to rehabilitate himself in the society.

7. Consequently, prayer made in the present petition is **allowed**. Petitioner is ordered to be released on bail, subject to his furnishing bail/surety bonds to the satisfaction of the learned trial Court/ Chief Judicial Magistrate/ Illaqa Magistrate/ Duty Magistrate concerned, if not required in any other case.

8. Needless to observe that the petitioner shall not extend any threat and shall not influence any prosecution witness in any manner directly or indirectly.

9. The observation made hereinabove shall not be construed as an expression of opinion on the facts of the case and the Trial Court is expected to decide the case on the basis of complete evidence available on record.

10. It is further made clear that if, in future, petitioner is directly found indulged in similar kind of activities, this order shall be deemed to be cancelled.

11. Petition stands disposed of.

14.11.2025

Janki

(SANJAY VASHISTH)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No