



CRM-M-30707-2025

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

222

CRM-M-30707-2025 (O & M)

Date of decision: 22.09.2025

MOHAMMAD JULAFKAR ALIAS FARUKI

....Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Ms. Kamlesh, Advocate,
for the petitioner.

Mr. M.S.Bajwa, DAG, Punjab.

AMAN CHAUDHARY, J. (ORAL)

1. Prayer in the present petition filed under Section 483 of BNSS, 2023 is for grant of regular bail to the petitioner in case FIR No.109 dated 30.07.2023, registered under Sections 22, 29, 61, 85 NDPS Act, and Section 25/54/59 of the Arms Act, at Police Station City-I, Malerkotla, District Malerkotla.

2. Learned counsel contends that the petitioner, who is 24-year-old, is in custody for 2 years and about 1½ months and has been falsely implicated in the present case. There is non-compliance of the mandatory provisions of Sections 42, 50 of the NDPS Act. No independent witness has been joined at the time of recovery. As per the prosecution version, the intoxicant tablets were lying on the floor, which were allegedly

CRM-M-30707-2025

thrown by the petitioner. It is a debatable as to whether the petitioner can be said to be in conscious possession of the same. He is not involved in any other case. Co-accused, Mohammad Zahid @ Aasif, Mohd. Yameen and Yaseen Bhalwan have since been granted the bail.

3. The custody certificate dated 21.09.2025, filed by the learned State counsel is taken on record. As per the same, the petitioner is behind bars for 2 years, 1 month and 9 days.

4. Learned State counsel opposes the bail on the ground that the commercial quantity of contraband was recovered in the present case. However, he is unable to controvert the submissions with regard to stage of the case; the petitioner being not involved in any other case and the co-accused have been enlarged on bail.

5. Heard.

6. Hon'ble The Supreme Court in **Shariful Islam @ Sarif versus The State of West Bengal** SLP (Crl.) No.4173/2022, decided on 04.08.2022, granted bail to the petitioner in a case of recovery of commercial quantity of contraband, considering incarceration for over 1 year and 6 months and there being no likelihood of completion of trial in the near future, while the Division Bench of this Court in **Bhupender Singh vs. Narcotic Control Bureau** (2022) 2 RCR (Crl.) 706, observed with regard to achieving balance between right to speedy trial guaranteed under Article 21 of the Constitution of India and rigors of Section 37 of NDPS Act.

CRM-M-30707-2025

7. This Court in the case of **Balraj Singh vs. State of Punjab** CRM-M-57386-2022, on 14.12.2022 has followed the dictum laid down by Hon'ble The Supreme Court and granted the bail to the petitioner therein after he had undergone total custody of 1 year and 6 months and in **Munasi Masih vs. State of Punjab**, CRM-M-31504-2022, on 06.2.2023, wherein commercial quantity of contraband had been recovered but only 2 out of 13 PWs had been examined, allowed bail.

8. Considering the facts and circumstances of the case, in particular that the petitioner is in custody for the last 2 years, 1 month and 9 days; not involved in any other case; the co-accused having been granted bail; the trial is likely to take a considerable time and 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.

9. 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.

CRM-M-30707-2025

- (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.

10. 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.

11. 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.

22.09.2025

parveen kumar

(AMAN CHAUDHARY)
JUDGE

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No