

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-34408-2025
Reserved on: 02.08.2025
Pronounced on : 20.08.2025

Zulfi Ali @ Zulfi Petitioner

Versus

State of Punjab Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. S.K. Passi, Advocate
for the petitioner.

Ms. Pooja Nayar Sharma, DAG, Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
72	23.05.2020	Mehal Kalan, District Barnala	21/22/25/29 of NDPS Act (Sections 465, 467, 468, 471, 120 B IPC added later on)

1. The petitioner incarcerated in the FIR captioned above has come up before this Court under Section 439 CrPC r/w 483 BNSS, 2023, for the grant of regular bail or an ad-interim bail in the FIR captioned above on medical grounds.
2. Counsel for the petitioner submits that the petitioner’s mother is suffering from Malignant (BIRADS 5) with Right Axillary Lymphnode Enlargement i.e. cancer, and for her treatment, prays for interim bail for at least 2 months, and he undertakes to comply with every condition imposed by this Court.
3. The petitioner’s counsel submits that the petitioner would have no objection whatsoever to any stringent conditions that this Court may impose, petitioner shall not repeat the offense or commits any non-bailable offense which provides for a sentence of imprisonment for more than seven years, or commits any offence under the NDPS Act, where the quantity involved is more than half of the intermediate, or commercial quantity, or violates S. 19, or 24, or 27-A of the NDPS Act during the period of interim bail.
4. The State’s Counsel could not oppose the authenticity of the medical record of petitioner’s mother.
5. The State’s counsel opposes the bail and submits that accused are delaying the

trial on one pretext or other and also handed over copy of an order dated 03.05.2025 passed by the Hon'ble Supreme Court of India in Special Leave to Appeal No.(s)8239/2025, which reads as follows:-

“Heard learned counsel for the parties and perused the material placed on record. We are not inclined to grant bail to the petitioner. The special leave petition is accordingly dismissed. However, considering the fact that the petitioner has been in custody for more than five years and the trial has not concluded, although, substantial number of witnesses have been examined, we direct the trial court to conclude the trial within a period of one year from today. Learned counsel for the State of Punjab, pointed out that for the last six dates, one of the co-accused (Krishan Arora), who had been granted bail on medical grounds by the High Court, has not been appearing before the trial court, as such, no further witness could be examined and the status as it existed prior to 28.05.2025 has remained as it is. We, therefore, direct that the State of Punjab may take appropriate steps for seeking cancellation of bail granted to such accused, who is trying to delay the trial and in case such an application is filed, the same would be entertained on its own merits by the concerned court. It goes without saying that the defence will extend all cooperation during the trial and in the event the trial is not concluded within the aforesaid period, for no fault attributable to the petitioner, it would be open for the petitioner to apply for bail afresh. Pending applications shall stand disposed of.”

6. Perusal of the above order reveals that the Hon'ble Supreme Court of India had rejected the bail of one of the co-accused with direction to trial Court to conclude the trial within one year. Reason given by the State for delay in conclusion of trial is that one accused is not appearing after release on interim bail on medical ground. Further, there is no document on record to demonstrate that petitioner is the only son and there is no other member in the family to assist his mother during the period of ailments. There are chances if petitioner is granted interim bail, he may continue to delay the trial.

7. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.

8. Petition dismissed. All pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

20.08.2025

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Whether speaking/reasoned: Yes

Whether reportable: No.