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

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CRM-M-42673-2025 (O&M)
Date of decision : 03.11.2025

Mohd. Subhan**...Petitioner**

Versus

State of Punjab**...Respondent****CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present:- Mr. Abdul Aziz, Advocate
for the petitioner.

Mr. Roshandeep Singh, AAG, Punjab.

MANISHA BATRA, J. (Oral)

1. The instant one is the third petition that has been filed by the petitioner under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail to him in case bearing FIR No. 29 dated 24.03.2019, registered under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (*for short 'NDPS Act'*) at Police Station Maloud, District Ludhiana. The previous petitions were dismissed as withdrawn.

2. Brief facts of the case relevant for the disposal of the present petition are that on 24.03.2019, the petitioner, while coming on a motorcycle bearing registration number PB-13-AN-3943, was apprehended by a police party on the basis of suspicion and recovery of 2000 intoxicant tablets of Clovidol-100 SR was effected from him. Since he could not produce any valid license or permit to keep in his possession the recovered drugs, he was formally arrested at the spot. The petitioner was granted concession of regular bail by the learned trial Court, vide order dated 15.05.2019. After

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completion of the investigation, challan was presented on 30.07.2019. However, the petitioner absented himself from the Court proceedings, which resulted into cancellation of his bail and ultimately into his declaration as proclaimed offender on 12.09.2023. He was re-arrested on 19.10.2023 and since then, he is in custody.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. A false recovery was planted upon him. Mandatory provisions of the NDPS Act were not complied with properly. He has clean antecedents. He was granted concession of regular bail by the learned trial Court but could not appear before it due to outbreak of COVID-19 pandemic as the case was being adjourned from time to time. He was not at all informed by his counsel regarding his appearance before the learned trial Court. His absence before the learned trial Court was not intentional but due to the reasons as mentioned above. Even otherwise, he is in custody for the last more than two years since the date of his re-arrest. Conclusion of trial is still to take considerable time as 04 prosecution witnesses are yet to be examined. He is ready to abide by the terms and conditions to be imposed by this Court. He undertakes to attend the Court proceedings, as and when he is required to do so. It is, therefore, urged that the petition deserves to be allowed and the petitioner deserves to be granted concession of regular bail.

4. Status report has been filed by the respondent-State. Learned State counsel has argued that keeping in view the gravity of the allegations levelled against the petitioner as well as his conduct, he is not entitled to get benefit of bail. Hence, it is urged that the petition is liable to be dismissed.

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5. This Court has heard the submissions made by both the sides.

6. Admittedly, the petitioner was granted concession of regular bail by the learned trial Court on 15.05.2019 but he failed to turn up before it subsequently, due to which, his bail was cancelled and ultimately he was declared a proclaimed offender. He was re-arrested on 12.09.2023 and is in custody since then. Although no credibility can be given to the plea taken by the petitioner that he was never informed about the date fixed before the learned trial Court, however, at the same time, the factum of imposition of nationwide lockdown at the relevant time and functioning of Courts in limited mode, cannot be denied. The absence of the petitioner before the learned trial Court was obviously due to his carelessness but it does not attract the consequence of keeping him into custody through the entire trial as it would still take considerable time to conclude. Keeping in view the aforesaid facts and circumstances, this Court is of the considered opinion that this petition deserves to be allowed. Accordingly, the present petition is allowed and the petitioner is ordered to be released on regular bail, subject to his furnishing personal bonds and surety bonds by two sureties to the satisfaction of the trial Court/Duty Magistrate concerned and on the following conditions:-

(i) the petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case or tamper with the evidence of the case in any manner whatsoever.

(ii) he shall not leave the country under any circumstance without permission of the learned

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trial Court.

(iii) he shall appear before the learned trial Court as and when directed.

(iv) he shall provide his address where he would be residing after release and shall not change the same without informing the concerned IO/SHO.

(v) the petitioner shall upon his release give his mobile phone number to concerned IO/SHO and shall keep his mobile phone switched on all times.

7. In the event of there being any FIR/complaint lodged against the petitioner, it shall be open to the respondent to seek redressal by filing an application seeking cancellation of bail.

8. It is made clear that any observation made herein above is only for the purpose of deciding the present petition and the same shall have no bearing on the merits of the case.

03.11.2025
Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No