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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-53462-2023
Date of decision:-05.02.2025

SURJIT KUMAR PASWAN

... Petitioner

Versus

STATE OF PUNJAB

... Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY.

Present:- Mr. G.S. Verma, Advocate for the petitioner.

Mr.Ankit Grewal, DAG, Punjab.

SANJIV BERRY, J.(ORAL)

Learned State counsel has filed custody certificate dated 04.02.2025, the same is taken on record, copy thereof has been supplied to the counsel opposite.

2. The instant petition has been preferred by the petitioner under Section 439 of the Code of Criminal Procedure, for grant of regular bail in the following case:-

FIR No.	Dated	Sections	Police Station
0039	01.03.2023	18 of NDPS Act	GRP Ludhiana, District Govt. Rly. Police

3. Arguments heard.

4. It is *inter alia* contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in this case by the police. He submits that although no recovery has been effected from the



petitioner, however as per the case of the prosecution it is alleged that he was found keeping in possession 2 kg 750 grams of opium when apprehended by the police which is manifestly wrong. He contends that the police had not completed the requisite legal formalities while effecting the alleged recovery and as such the version of the police becomes doubtful. He submits that the petitioner is in custody since 01.03.2023 and challan has already been presented in Court wherein prosecution has cited 13 witnesses and till date none of them have been examined. He submits that the recovery has been intentionally shown marginally higher just to proclaim the same as commercial quantity. He submits the petitioner is not having any criminal antecedents and is in custody since 01.03.2023, the conclusion of trial will take sufficient long time to conclude. Hence prayed for grant of concession of regular bail to the petitioner.

5. *Per contra*, learned State counsel referring to the reply submitted by the State, has assailed these arguments by submitting that 2 kg 750 grams of opium was recovered from the possession of the petitioner and as such, petitioner does not deserve concession of bail. However, he has not denied the fact that 13 witnesses have been cited by the prosecution and till date none of them have been examined.

6. After considering the rival contentions and perusing the record, it transpires that the petitioner is in custody since 01.03.2023 and after completion of investigation, challan has already been presented in Court wherein prosecution has cited 13 witnesses and till date none of them have been examined in the learned trial Court. Therefore, keeping in view the



assertion made by learned counsel for the petitioner (supra) and also the fact that the conclusion of trial to ascertain criminal liability, if any will take sufficient long time, no purpose would be served by detaining petitioner any longer.

7. Therefore, in these circumstances, without commenting on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail subject to furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court concerned, if not required in any other case; undertaking to regularly appear on each and every date; not to leave the country without prior permission of the Court; and not to tamper with evidence of prosecution in any manner.

8. It is further made clear that in case the petitioner is found involved in any case under NDPS Act, after his release on bail, it will be open for the prosecution to move an application for cancellation of his bail in accordance with law.

9. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

10. Pending application(s) if any shall also stand disposed of.

(SANJIV BERRY)
JUDGE

05.02.2025

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i)	Whether speaking/reasoned?	Yes/No
ii)	Whether reportable?	Yes/No