

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

212

2025:PHHC:128860



CRM-M-51152-2025 (O&M)
Date of decision: 17.09.2025.

RAHUL

...Petitioner(s)

VERSUS

STATE OF PUNJAB

...Respondent(s)

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present :- Mr. Sunny Singla, Advocate, (Legal-aid-counsel)
for the petitioner.

Mr. Mohit Kapoor, Sr. DAG, Punjab.

VINOD S. BHARDWAJ, J. (Oral)

The present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, for grant of regular bail to the petitioner in case bearing FIR No.0049 dated 27.03.2018, under Section(s) 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station C Division, District Amritsar, Punjab.

2 As per the case of the prosecution, when the police party was patrolling from Gujjarpura and reached Gyan Ashram School, a Hero Honda motorcycle of black colour bearing registration No.PB-02-AU-1811 was seen arriving and three persons were riding on the same. On seeing the

police party, they tried to turn back the motorcycle, however, the petitioner and other co-accused were apprehended by the police. The petitioner was driving the motorcycle and the persons sitting behind disclosed their names as Rattan son of Salim and Khajan Singh son of Charan Singh. The petitioner is stated to have taken out a plastic envelope from the right pocket of his pants and tried to throw it away. The same was seized by the police and 110 pills of narcotics were recovered from the petitioner. 90 pills of narcotic drugs were recovered from co-accused Rattan son of Salim and 110 pills of narcotic drugs were recovered from the second accused Khajan Singh son of Charan Singh.

3 Learned counsel for the petitioner contends that the petitioner has been in custody for long and he was initially granted the concession of bail by the trial Court in May 2018, however, he missed a date of hearing in March 2019 as a result whereof, he was ultimately declared as a proclaimed offender on 26.08.2019. He submits that the petitioner is in custody since the date of his arrest i.e. 06.05.2024 and that no purpose would be served by keeping the petitioner behind bars.

4 Learned State counsel, on the other hand, contends that even though it is not disputed that the petitioner had been granted the concession of bail by the trial Court on 15.05.2018, however, he stopped appearing from March 2019 onwards and was apprehended on 06.05.2024 after a period of more than five years. He thus submits that there is a grave possibility of the petitioner absconding from the process of law in the event concession of regular bail is granted to him. State counsel, however, is not in a position to controvert that the quantity of narcotic drugs recovered in the present case

falls under the non-commercial quantity. It is also not in dispute that the petitioner has been in custody since the date of his arrest i.e. 06.05.2024 i.e. nearly for a period of more than 01 year and 04 months and even thereafter, no evidence has been recorded so far.

5 Having heard the learned counsel for the parties and taking into consideration the period of custody of the petitioner since the date of his apprehension i.e. 06.05.2024; the stage of the trial i.e. no witness being examined by the prosecution thereafter; and that the recovery involved in the present case falls under non-commercial quantity, the present petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing requisite bail bond/surety bond to the satisfaction of the Trial Court/Duty Magistrate, concerned.

6 It is made clear that the petitioner shall not extend any threat and shall not influence any prosecution witnesses in any manner directly or indirectly.

7 The observation made hereinabove shall not be construed as an expression on the merits of the case and the trial Court shall decide the case on the basis of available material.

September 17, 2025.
raj arora

(VINOD S. BHARDWAJ)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No