

214 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

2025.PHHC.167548



CRM-M-59023-2024 (O&M)
Date of Decision: 02.12.2025

SHIV KUMAR ALIAS SHIVA SHULL ... PETITIONER
VERSUS
STATE OF PUNJAB ... RESPONDENT

CORAM : HON'BLE MR. JUSTICE H.S.GREWAL

Present:- Mr. Tushar Sharma, Advocate for the petitioner.
Mr. K.D.Sachdeva, D.A.G., Punjab.

H.S. GREWAL, J. (ORAL)

1. The petitioner is seeking regular bail under Section 439 of Cr.P.C. in FIR No.110 dated 15.04.2023, under Sections 21(c), 29 of Narcotic Drugs and Psychotropic Substances Act, 1985 registered at Police Station Special Task Force, District Kapurthala.

2. The case of the prosecution is that petitioner was found in possession of 300 gms of heroin.

3. Status report by way of affidavit of Bikramjit Singh, PPS, Deputy Superintendent of Police, Anti Narcotics Task Force, Jalandhar Range, Jalandhar and custody certificate dated 01.12.2025 filed by the State counsel have been taken on record. As per the custody certificate, petitioner has undergone actual custody for a period of 02 years, 05 months and 18 days.

4. Learned counsel for the petitioner submits that the challan was presented wayback in December, 2023. However, two years have elapsed and no PW has been examined till date and witnesses are all police officials and are not appearing for the trial and therefore, the trial is not progressing. The petitioner is in custody for more than 02 years and 05 months.

5. Learned State counsel vehemently opposes the prayer for grant of regular bail to the petitioner on the ground of gravity of allegations. He submits that petitioner is involved in 05 more cases, out of which one case is under NDPS Act.
6. I have heard the learned counsel for the parties and perused the record.
7. Be that as it may, though the petitioner is involved in 05 more cases but he is stated to be on bail in all these cases. Keeping in view the fact that as the trial is not progressing in the present case due to the lapse on the part of the prosecution, therefore, this Court has no option but to grant regular bail to the petitioner as the conclusion of trial is likely to take some more time and continuous detention of the petitioner would not serve the ends of justice. Keeping in view the facts and circumstances of the present case, this Court deems it a fit case to grant the concession of regular bail to the petitioner during the pendency of the trial.
8. Therefore, without expressing any opinion on the merits of the case, the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing requisite bail bonds, surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate concerned.
9. It is clarified that if on bail so granted through the instant order the petitioner is found indulging in any other criminal case it shall be open to the State to seek cancellation of his bail.

02.12.2025
Janki

(H.S.GREWAL)
JUDGE

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