



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CRM-M-59080-2024

Date of decision: 27.10.2025

Raghubir Singh @ Lally

*.....Petitioner**Versus*

State of Punjab

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

Present: Mr. J.S. Thakur, Advocate for the petitioner.

Mr. Saurav Verma, Addl.AG, Punjab.

VINOD S. BHARDWAJ, J (ORAL)

The instant petition is for seeking concession of regular bail in case bearing FIR No. 47 dated 26.03.2023 under Section 21 of NDPS Act registered at P.S Navi Baradari, District Jalandhar Commissionerate.

2. Learned counsel appearing on behalf of the petitioner contends that as per the case of the prosecution, the police party had set up a naka on 26.03.2023. A car bearing registration No.PB-08-EY-1656 was signalled to stop but the car driver, on seeing the police party, tried to take a U-turn whereupon police officers apprehended the petitioner along with co-accused and a recovery of 100 grams of heroin was effected from him while 150 grams of heroin each was recovered from co-accused Manik Daliya @ Manga and Karan Kumar @ Rahul. He contends that the quantity of the contraband recovered from the petitioner is non-commercial and the petitioner has been in custody since 26.03.2023. He further submits that out of total 11 prosecution witnesses, only four have been examined and the petitioner has already been in custody for more than two and half years.



3. Learned State Counsel contends that the petitioner is also involved in number of other criminal cases though he has been granted the concession of bail in other cases, yet, the bail deserves to be dismissed. It is submitted that there are total 16 other criminal cases registered against the petitioner, out of which the petitioner has already been convicted in five criminal cases but the details in this regard are not forthcoming.

4. It is also noticed that vide order dated 15.12.2023 passed in the earlier bail petition bearing CRM-M-56681-2023, the State counsel had made statement that the petitioner was involved in 18 other criminal cases including 7 cases under the NDPS Act and that he was convicted in three of the cases. It is also noticed that at that time the State counsel specifically stated that only nine prosecution witnesses remained to be examined and that the trial would not take long time to conclude, however notwithstanding a lapse of two years, only two more witnesses have been examined thereafter, whereas other official witnesses have chosen not to appear so far. No reasons have been given for the same.

5. State was granted time to verify the conflicting statements about criminal antecedents. Despite grant of two opportunities, the instructions remain incomplete. State counsel submits that as per proforma received from officials, the petitioner is involved only in 2 cases and he stands acquitted in one. He submits that instructions received later is at variance and it states 16 cases whereas earlier stand was 18 cases. The proforma of instructions read by State is taken on record.

6. Learned counsel for the petitioner, however, contends that the petitioner has already been granted the concession of bail in other criminal cases and the petitioner cannot be accounted for the delay of trial since witnesses have chosen not to appear.



7. I have heard learned counsel appearing on behalf of the respective parties.

8. It is noticed that conflicting facts are being given by learned State counsel in proceedings before this Court and the same is more often a norm than an exception. Much often, it has come to the notice of this Court that the statements made by Learned State counsel, on instructions, are not corroborated. Besides, even though fact of random number of multiple FIRs having been registered, is pleaded during argument on bail, however details of such FIRs or nature of offences and the allegations set out against the petitioner are seldom apprised. The matter thus remain pending before this Court for lack of basic instructions which the State is expected to convey to its counsel. The administration of criminal justice cannot be left at the whims and fancies of the prosecution. Hence this Court deems it fit to proceed further without awaiting. Considering the custody period, non appearance of the prosecution witnesses for two and half years for getting their statements recorded and that prima facie case set up was that 100 grams of heroine was recovered from the petitioner as well as that the co-accused Manik Daliya @ Manga from whom 150 grams of heroin was recovered, has already been granted the concession of bail, the present petition is allowed. The petitioner is ordered to be released on bail on his furnishing requisite bail bond/surety bond to the satisfaction of the Trial Court/Duty Magistrate, concerned.

9. This Court had cautioned the State on multiple occasion to ensure a proper response from its officials but despite multiple assurances, no signs of improvement have emerged. Possibility of foul play by officials in either delaying by supply of information or by incorrect information cannot be ruled out.

Hence, I also deem it appropriate to impose costs of 01 lakh rupees on the



Minister Relief Fund, A/c No.001934001000589, IFSC-TPSC0000019, Punjab State Cooperative Bank. The recovery of the aforesaid amount may be effected from the erring police officials. Compliance with respect to deposit of costs be furnished in the registry of this Court within two weeks, failing which the Commissioner of Police, Jalandhar shall remain present in Court for due compliance.

10. 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.

11. 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.

October 27, 2025
manoj

(VINOD S BHARDWAJ)
JUDGE

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No