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CRM-M-64207-2024 (O&M)**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH****103+230****CRM-M-64207-2024 (O&M)****Date of Decision: 25.09.2025****TARSEM SINGH @ SEMA****PETITIONER****VS****STATE OF PUNJAB****RESPONDENT****CORAM : HON'BLE MR. JUSTICE H.S.GREWAL**

Present:- Mr. Mikhail Kad, Advocate and
Mr. Jagjit Singh, Advocate for the petitioner.

H.S. Grewal, J.(Oral)**CRM-37804-2025**

This application has been filed for placing on record Annexure P-10 (orders of ld. Trial Court).

For the reasons stated in the application, the same is allowed and Annexure P-10 is ordered to be taken on record, subject to just exceptions.

Main case:

1. This petition has been filed under Section 483 of BNSS for grant of regular bail to the petitioner in case FIR No. 84 dated 18.06.2023 under Sections 21/29 (Act No. 61) of NDPS Act registered at Police Station, Sadar Dhuri, District Sangrur.
2. The case of the prosecution that the FIR was registered on the basis of secret information received against the co-accused namely Harjinder



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@ Suraj, Rahul Uppal and Sonu, alleging that they were habitual of selling Heroin and were proceeding towards City Dhuri via Barnala in an i20 car bearing registration No. HR-02X-4005 for the purpose of selling Heroin. Thereafter, a barricade was raised, pursuant to which the accused were apprehended and 40 grams of Heroin was recovered from their possession.

2.1 During the course of interrogation, co-accused Harjinder Singh @ Suraj disclosed that he had supplied 300 grams of Heroin to the present petitioner, which he had purchased from one Bohar Singh @ Bhura. In pursuance to the said disclosure, 256 grams of Heroin was recovered from the possession of the petitioner which is marginally above the commercial quantity. Further, 20 grams of Heroin was recovered from co-accused Rekha Rani and Charanjit Kaur on 20.06.2023.

3. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case on the basis of disclosure statement of co-accused Harjinder Singh @ Suraj. He further submits that mandatory provisions of Section 50 of NDPS Act have not been complied with in this case as no Gazetted Officer or Magistrate has been called at the spot while conducting the search.

4. Notice of motion.

5. Mr. Rishabh Singla, AAG, Punjab accepts notice on behalf of the respondent-State. He has opposed the prayer made by the learned counsel for the petitioner on the ground that the petitioner is involved in six more cases under the NDPS Act. He has filed the custody certificate of the petitioner in the Court today and the same is taken on record. As per which, the petitioner is in



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custody for the last 02 years 03 month and 03 days. He further submits that out of 25 cited prosecution witnesses, only 03 have been examined so far.

6. I have heard the learned counsel for the parties and perused the record.

7. On a bare perusal of the zimni orders placed on record, this Court has noticed that despite service, by way of summons,ailable warrants and non-ailable warrants, the police officials are not appearing as witnesses deliberately, in the cases registered under the provisions of NDPS Act. In fact, it is matter of grave concern for all the Courts. Apart from that, it not only amounts to interference in the administration of justice, but is also violative of the right of accused under Article 21 of the Constitution of India. Even, this intentional absence of official witnesses helps the accused in claiming that they had been incarcerated for a longer period and such a plea serves as an additional plea in favour of the petitioner to secure his bail.

8. Keeping in view the long incarceration of the petitioner; out of 25 cited prosecution witnesses only three witnesses have been examined so far; the trial is moving at a snail's pace and the continuous detention of the petitioner would not serve the ends of justice. Therefore, this Court deems it a fit case to grant the concession of regular bail to the petitioner during the pendency of the trial.

9. Hence, 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



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satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate concerned.

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

25.09.2025

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**(H.S.GREWAL)
JUDGE**

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