



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

221

CRM-M-62003-2025 (O&M)
Date of decision: 11.11.2025

Avtar Singh
.....Petitioner

Versus

State of Punjab
...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Rishu Mahajan, Advocate for the petitioner
Mr. Manipal Singh Atwal, DAG Punjab

AMAN CHAUDHARY, J. (ORAL)

1. Prayer in the present petition filed under Section 483 BNSS is for grant of regular bail to the petitioner in case FIR No.235 dated 22.10.2024, registered under Sections 21 and 29 of NDPS Act, at Police Station Sadar, District Amritsar.
2. Learned counsel contends that the petitioner has been in custody for 1 year and about 20 days. The alleged recovery is stated to have been effected from the right shoulder of co-accused Sameer Singh on his personal search and not from the petitioner and no recovery has been effected from him. Co-accused Arshdeep Singh alias Garry, who was also stated to be present at the spot, however, no recovery was effected, has been granted bail by this Court vide order dated 15.10.2025, Annexure P-2. Challan was presented on 15.04.2025 and the charges were framed on 04.09.2025, however, out of 13 prosecution witnesses, none has been examined. The petitioner is not involved in any other case.
3. Learned State counsel opposes the bail on the ground that the petitioner was specifically named in the secret information and apprehended at the



spot along with co-accused from whom the commercial quantity of contraband has been recovered. However, he is unable to controvert the submissions with regard to stage, co-accused having been granted bail and the petitioner not being involved in any other case.

4. Heard.

5. Considering the facts and circumstances of the case, in particular that the petitioner is in custody for the last 1 year and 20 days; not involved in any other case; co-accused is on bail; challan stands presented on 15.04.2025 and the charges have been framed on 04.09.2025, however, none out of 13 prosecution witnesses has been examined so far, the trial is likely to take a considerable time, further incarceration of the petitioner would be violative of his right enshrined under Article 21 of the Constitution of India, the present petition is allowed.

6. The petitioner is ordered to be released on regular bail, subject to furnishing bail/surety bonds to the satisfaction of trial Court/Duty Magistrate concerned, if not required in any other case and shall abide by the following conditions:-

- (i) The petitioner will not tamper with the evidence during the trial.
- (ii) The petitioner will not pressurize/ intimidate the prosecution witnesses.
- (iii) The petitioner will appear before the trial Court on each and every date fixed, unless is exempted by a specific order of Court.
- (iv) The petitioner shall not commit an offence similar to the offence of which, he is an accused, or for commission of which he is suspected of.
- (v) The petitioner shall not directly or indirectly coerce, induce, threaten or promise to any person acquainted with the facts of the case so as to dissuade him/ her from disclosing such facts to the Court or to any police officer or tamper with the evidence in any manner.
- (vi) The petitioner shall not in any manner misuse his liberty.

- (vii) The petitioner shall furnish his address and mobile number by way of an affidavit to the trial Court and not change the same till conclusion of trial and if for any reasons, he seeks to change either of the aforesaid, it shall be done only with prior information to the learned trial Court.
- (viii) The petitioner shall not leave the country without prior permission of the trial Court.
- (ix) The trial Court/Duty Magistrate may impose any other condition, as deemed appropriate while releasing the petitioner.

7. It is made abundantly clear that in case there is any breach of the aforesaid conditions, the State shall be at liberty to seek cancellation of bail as granted to the petitioner by this order.

8. In view of the above, it is clarified that the observations made herein above are limited for the purpose of present proceedings and would not be construed as any opinion on the merits of the case and the trial would proceed independently of the aforesaid observations.

(AMAN CHAUDHARY)
JUDGE

11.11.2025
M.Kamra

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