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CRM-M-64176-2025

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

208

CRM-M-64176-2025

Date of Decision: 28.11.2025

SURJIT SINGH ALIAS KALU

... PETITIONER

VERSUS

STATE OF PUNJAB

... RESPONDENT

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

Present:- Mr. R.K.Saini, Advocate for the petitioner.

H.S. Grewal, J.(Oral)

1. This petition has been filed under Section 483 of the BNSS for grant of regular bail to the petitioner in FIR No. 36 dated 31.01.2023 under Sections 21-C and 25 of NDPS Act registered at Police Station, STF, SAS Nagar, Mohali.
2. The allegations against the petitioner are that he was found in possession of 1 Kg and 10 grams of Heroin.
3. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case. He submits that the petitioner is in custody since 31.01.2023 and nothing has been recovered from his possession.
4. Notice of motion.
5. Mr. Parneet Singh Pandher, Assistant A.G.Punjab accepts notice on behalf of the respondent-State. He has filed the custody certificate of the petitioner in the Court today and the same is taken on record. The petitioner is

**CRM-M-64176-2025**

in custody for the last 02 years 09 months and 24 days. He further submits that out of 14 prosecution witnesses only 3 have been examined so far.

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

7. A perusal of the zimni orders reveals that one SI Harpal Singh has been repeatedly summoned through bailable warrants. It is indeed surprising that a serving police officer of the rank of Sub-Inspector has remained unserved despite repeated issuance of bailable warrants vide orders dated 20.01.2025, 12.03.2025, 05.05.2025, 04.06.2025, 20.08.2025, 29.09.2025 and 11.11.2025. This reflects a glaring lapse in the prosecution's ability to secure the presence of its own witnesses and demonstrates an avoidable delay in the progress of the trial. It is further evident that, out of 14 cited prosecution witnesses, only 03 have been examined over a span of more than two and a half years, and no substantial evidence has been led thereafter. Apart from that, it not only amounts to interference in the administration of justice, but is also violative of right of accused under Article 21 of the Constitution of India. Even this intentional absence of official witnesses helps the accused in claiming that he had been incarcerated for a longer period and such a plea serves an additional ground in favour of the petitioner to secure his bail.

8. Having considered the period of custody already undergone by the petitioner, the slow progress of the trial, and the apparent inability of the prosecution to secure the presence of its own official witnesses despite repeated opportunities, resulting in an avoidable delay, this Court is of the view that further incarceration of the petitioner would serve no fruitful purpose.



CRM-M-64176-2025

Accordingly, this Court finds it to be a fit case for extending the concession of regular bail to the petitioner during the pendency of the trial.

9. The Registry of this Court is directed to send a copy of this order to the Senior Superintendent of Police, Mohali and Director General of Police, Punjab to take strict action against the officials who are responsible for delaying the proceedings.

10. 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.

11. 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.

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

28.11.2025

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

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