

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

2025:PHHC:163924



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CRM-M-65185-2025

Date of decision: 26.11.2025

Date of uploading: 26.11.2025

Malkeet Singh @ Bobby

....Petitioner

V/s

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Amandeep Singh Gill, Advocate for the petitioner.

Mr. Baljinder Singh Sra, Addl. AG, Punjab.

SUMEET GOEL, J. (ORAL)

1. Present petition has been filed under Section 483 of BNSS 2023 on behalf of the petitioner for grant of regular bail in case bearing FIR No.69 dated 07.08.2017, registered for the offences punishable under Sections 15/29/61/85 of NDPS Act, at Police Station Cheema, District Sangrur.
2. The gravamen of the FIR in question is that the petitioner is an accused of being involved in FIR pertaining to NDPS Act involving 20 Kgs poppy husk, allegedly recovered from the petitioner.
3. Learned counsel for the petitioner has argued that the petitioner has been falsely implicated into the FIR in question. Learned

counsel for the petitioner has further iterated that the petitioner is in custody since 07.08.2017 whereinafter the concession of regular bail was extended to the petitioner vide order dated 29.08.2017 (Annexure P-2). Learned counsel for the petitioner has iterated that from the year 2017 till September, 2023 the petitioner was regularly appearing before the trial Court but could not appear later as he was admitted in de-addiction centre. Learned counsel has further stated that the petitioner is now arrested on 03.10.2025. Learned counsel appearing for the petitioner has urged that non-appearance of the petitioner was on account of the circumstances beyond his control. Thus, regular bail is prayed for.

4. Learned State counsel has opposed the present petition by arguing that the allegations raised against the petitioner are serious in nature and, thus, he does not deserve the concession of the regular bail. Learned State counsel seeks to place on record custody certificate in Court, which is taken on record.

5. I have heard counsel for the rival parties and have gone through the available records of the case.

6. The petitioner was arrested on 07.08.2017 and thereafter extended the concession of regular bail on 29.08.2017. It is not in dispute that the petitioner kept on appearing before the trial Court from 2017 till September, 2023 and thereafter was re-arrested on 03.10.2025. Since the case in hand pertains to recovery of 20Kg of poppy husk, which is non-commercial in nature, the rigor imposed under Section 37 of the NDPS Act stands diluted in light of the Article 21 of the Constitution of India. The rival contentions raised at Bar give rise to debatable issues shall be

rationated upon during the course of trial. This Court does not deem it appropriate to delve deep into these rival contentions, at this stage, lest it may prejudice the trial. Nothing tangible has been brought forward to indicate the likelihood of the petitioner absconding from the process of justice or interfering with the prosecution evidence.

6.1. As per custody certificate filed today by the learned State counsel, the has already petitioner suffered incarceration for a period of 2 months 14 days. Further, as per the said custody certificate the petitioner is stated to be involved in one more FIR. However, this factum cannot be a ground sufficient by itself, to decline the concession of regular bail to the petitioner in the FIR in question when a case is made out for grant of regular bail *qua* the FIR in question by ratiocinating upon the facts/circumstances of the said FIR. Reliance in this regard can be placed upon the judgment of the Hon'ble Supreme Court in *Maulana Mohd. Amir Rashadi v. State of U.P. and another, 2012 (1) RCR (Criminal) 586*; a Division Bench judgment of the Hon'ble Calcutta High Court in case of *Sridhar Das v. State, 1998 (2) RCR (Criminal) 477* & judgments of this Court in *CRM-M No.38822-2022* titled as *Akhilesh Singh v. State of Haryana*, decided on 29.11.2021, and *Balraj v. State of Haryana, 1998 (3) RCR (Criminal) 191*.

Suffice to say, the further detention of the petitioner in custody is not required in the facts and circumstances of the case.

7. In view of the above, the petition is allowed. Petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the learned concerned CJM/Duty Magistrate. However,

in addition to conditions that may be imposed by the concerned CJM/Duty Magistrate, the petitioner shall remain bound by the following conditions:-

- (i) The petitioner shall not mis-use the liberty granted.
- (ii) The petitioner shall not tamper with any evidence, oral or documentary, during the trial.
- (iii) The petitioner shall not absent himself on any date before the trial.
- (iv) The petitioner shall not commit any offence while on bail.
- (v) The petitioner shall deposit his passport, if any, with the trial Court.
- (vi) The petitioner shall give his cell phone number to the Investigating Officer/SHO of concerned Police Station and shall not change his cell-phone number without prior permission of the trial Court/Illaq Magistrate.
- (vii) The petitioner shall not in any manner try to delay the trial.
- (viii) The petitioner shall submit, on the first working day of every month, an affidavit, before the concerned trial Court, to the effect that he has not been involved in commission of any offence after being released on bail. In case the petitioner is found to be involved in any offence after his being enlarged on bail in the present FIR, on the basis of his affidavit or otherwise, the State is mandated to move, forthwith, for cancellation of his bail which plea, but of course, shall be ratiocinated upon merits thereof.

8. In case of breach of any of the aforesaid conditions and those which may be imposed by concerned CJM/Duty Magistrate as directed hereinabove or upon showing any other sufficient cause, the

State/complainant shall be at liberty to move cancellation of bail of the petitioner.

9. Ordered accordingly.
10. Nothing said hereinabove shall be construed as an expression of opinion on the merits of the case.
11. Since the main case has been decided, pending miscellaneous application, if any, shall also stands disposed off.

(SUMEET GOEL)
JUDGE

November 26, 2025
Naveen

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