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CRM-M-66817-2025 (O&M)**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH****240****CRM-M-66817-2025 (O&M)
Date of Decision 22.12.2025.****RAJBIR****... PETITIONER****VERSUS****STATE OF HARYANA****... RESPONDENT****CORAM : HON'BLE MR. JUSTICE H.S.GREWAL**

Present:- Mr. Lalit Kumar Narang, 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. 105 dated 04.05.2023 for offence punishable under Sections 18(b), 18(c) of NDPS Act (Sections 29, 27-A of NDPS Act added later on) registered at Police Station, Sadar Narwana, District Jind.

2. Brief facts of the case are that on 04.05.2023, the petitioner along with the co-accused was apprehended by SI Satyapal Singh along with other police officials on the basis of secret information while travelling in a truck bearing registration No. PB-13BB-0179. During checking, a total of 6 kg and 404 grams of opium was recovered from the bags being carried by them in the aforesaid truck, which they were possessing without any permit or licence. The recovered contraband falls under the category of commercial quantity.

3. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case and has no connection with commission of



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the offence as alleged. He further submits that the petitioner is not involved in any other case and is in custody since 04.05.2023.

4. Notice of motion.

5. Mr. Vijay Kumar, AAG, Haryana accepts notice on behalf of the respondent-State. He has filed the reply in the Court today and the same is taken on record. He further submits that the petitioner is in custody for the last 02 years 07 months and 13 days; out of 25 cited prosecution witnesses only 02 have been examined so far. He has not disputed that the petitioner is not involved in any other case.

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

7. This Court has noticed that despite service by way of summons, bailable warrants and non-bailable warrants, the police officials are not appearing as witnesses deliberately in the present case. In fact, it is a 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 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 as 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 fact that the petitioner is in custody for the last 02 years 07 months and 13 days; out of 25 cited prosecution witnesses only 02 have been examined so far and it will take a considerable time to conclude and the

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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. Accordingly, this Court has left with no other option but to grant the concession of regular bail to the petitioner during the pendency of the trial.

9. 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.

10. 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.

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

22.12.2025
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(H.S.GREWAL)
JUDGE

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