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

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Date of Decision: 12.12.2025

DANISH KAPOOR ALIAS NONI

... PETITIONER

VERSUS

STATE OF PUNJAB

... RESPONDENT

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

Present:- Mr. Ashish Aggarwal, 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. 126 dated 11.05.2023 under Sections 22(c),25,29 of the NDPS Act (Section 25 of NDPS Act deleted later) registered at Police Station, City Tarn Taran, District Tarn Taran.
2. The allegations against the petitioner are that he was found in possession of 2480 intoxicant tablets labelled as Clovedol 100SR containing Tramadol salt.
3. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case and nothing has been recovered from his possession. He submits that the petitioner is in custody since 11.05.2023.
4. Notice of motion.
5. Mr. Parneet Singh Pandher, Assistant A.G.Punjab accepts notice on behalf of the respondent-State and vehemently opposes the prayer made by



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the learned counsel for the petitioner. He has filed the custody certificate of the petitioner in the Court today and the same is taken on record. As per custody certificate, the petitioner is in custody for the last 02 years 06 months and 24 days and is not involved in any other case. He further submits that out of 16 prosecution witnesses only 3 witnesses have been examined so far.

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,ailable warrants and non-ailable 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 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 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 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 and the fact that out of 16 prosecution witnesses only 3 witnesses have been examined so far; this Court is of the view that further incarceration of the petitioner would serve no fruitful purpose. Accordingly, this Court is left with no other option but to grant the concession of regular bail to the petitioner during the pendency of the trial.



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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.

12.12.2025

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

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