

2026.PHHC.029997

**IN THE HIGH COURT OF PUNJAB & HARYANA
CHANDIGARH**

110

CRM-M-8536-2025 (O&M)
Date of decision: 25.02.2026

Pankaj @ Panku

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Lakhwinder S. Mann, 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.98 dated 09.09.2024, registered under Sections 310(4), 310(5) BNS, Section 25 of the Arms Act (Sections 61(2) BNS, 25(6), 25(7), 25(8), 25(1B) of the Arms Act and Sections 22(c), 25 & 29 of NDPS Act added later on), registered at Police Station City Nakodar, District Jalandhar Rural.

2. Learned counsel contends that the petitioner has been in custody for 1 year, 5 months and 8 days. The alleged recovery from the petitioner is only of .32 bore pistol and with regard to the alleged recovery of 102 grams of etizolam, conscious possession of which is debatable inasmuch as the same was allegedly lying under the driver seat and petitioner was neither driver of the vehicle nor the owner. Co-accused Jaskaran Singh @ Jassa, who was co-passanger, has been granted bail after the same custody otherwise the driver and owner of the vehicle is Ankush Sabharwal. Co-accused Rupesh Kumar and Karan Sabharwal, have also been granted bail vide orders dated 16.11.2024,

Annexures P3 and P4. Charges have been framed on 22.04.2025 and only 3, out of 17 PWs, has been examined. He is not involved in any other case under the NDPS Act.

3. The custody certificate dated 24.02.2026, filed by the learned State counsel is taken on record. As per the same, the petitioner is behind bars 1 year, 5 months and 8 days.

4. Learned State counsel opposes the bail on the ground that from the vehicle of which the petitioner was a passenger, commercial quantity of contraband was recovered from the vehicle but from him .32 bore pistol. However, he is unable to controvert the submissions with regard to stage, co-accused having been granted bail and the petitioner being not involved in any other case under the NDPS Act.

5. Heard.

6. In **Munasi Masih vs. State of Punjab**, CRM-M-31504-2022, on 06.2.2023, wherein commercial quantity of contraband had been recovered but only 2 out of 13 PWs had been examined, allowed bail.

7. Considering the facts and circumstances of the case, in particular that the petitioner is in custody for the last 1 year, 5 months and 8 days; not involved in any other case under the NDPS Act; co-accused are on bail; charges were framed on 22.04.2025, however, out of 17 PWs, only 3 have been examined, 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 and the rigors of Section 37 of the NDPS Act can be diluted bearing in mind the right to a speedy trial, the present petition is allowed.

8. 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.

9. 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.

10. 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

25.02.2026

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