



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

208

CRM-M-15824-2026
Decided on : 27.03.2026

Laxman Kumar alias Labha . . . Petitioner(s)
Versus
State of Punjab . . . Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Ms. Ritu Punj, Advocate,
Mr. Sahaj Punj, Advocate and
Ms. Sonia Pamma, Advocate, for the petitioner(s).

Mr. Jasdeep Singh, Addl. AG, Punjab.

SANJAY VASHISTH, J. (Oral)

1. The instant petition has been filed under Section 483 of BNSS, 2023 (earlier Section 439 Cr.P.C.), for grant of regular bail to the petitioner, during the pendency of trial, who has been booked in a criminal case arising out of First Information Report, as detailed here-under:-

Name of Petitioner(s)	FIR No.	Date	Section(s)	Police Station	District
Laxman Kumar alias Labha	151	07.10.2023	22 of NDPS Act, 1985	Bullocal	Hoshiarpur

2. As per the case of the prosecution, on 07.10.2023, SI Kamaljit Singh along with other police officials was patrolling near village Susana, when a secret information was received that co-accused – Mangat Ram @ Mangu, his brother Laxman Kumar @ Labha (petitioner herein), and another co-accused Gurwinder Singh @ Gindha were carrying intoxicant substances for sale in nearby villages.

Acting upon the said information, a naka was laid near Senior Secondary School, Pajjoditta. A motorcycle approaching from village



Pajjoditta was intercepted. On noticing the police party, the driver – Mangat Ram @ Mangu and the pillion rider – Laxman Kumar @ Labha allegedly threw polythene envelopes containing intoxicant powder on the roadside, whereas the third rider – Gurwinder Singh @ Gindha threw a kit bag and fled from the spot. Upon recovery, 300 grams of intoxicant powder was found from the envelope thrown by Mangat Ram, 310 grams from the envelope thrown by the present petitioner, and 270 grams from the kit bag thrown by Gurwinder Singh @ Gindha. Thereafter, the present FIR was registered.

3. It is not in dispute that all three accused, namely (i) Gurwinder Singh @ Gindha, (ii) Mangat Ram @ Mangu, and (iii) Laxman Kumar @ Labha (petitioner herein), were travelling together on motorcycle bearing registration No. PB07-S-8007. From the possession of the petitioner, 310 grams of intoxicant powder, which was later identified as ‘Tramadol’, was allegedly recovered.

4. Learned counsel for the petitioner submits that out of a total of 13 prosecution witnesses, only 02 witnesses have been examined so far. It is further submitted that the petitioner is inside the jail since 07.10.2023, i.e., for a period of about 02 years, 05 months and 15 days.

It is contended that the trial is proceeding at a very slow pace and the petitioner cannot be detained inside the jail for an indefinite period. It is further submitted that similarly situated co-accused, namely Gurwinder Singh @ Gindha and Mangat Ram @ Mangu, have already been granted the concession of regular bail vide common order dated 15.07.2025 passed in CRM-M-19902-2024 and connected case (Annexure P-2). Thus, on the



ground of parity as well as the overall facts and circumstances of the case, learned counsel prays for grant of concession of regular bail to the petitioner.

5. At the outset, learned State counsel has filed the custody certificate dated 25.03.2026 in Court today, which is taken on record. Office to tag the same at appropriate place.

A copy thereof has been handed over to the counsel for the petitioner.

6. On the other hand, learned State counsel, while opposing the prayer for bail, submits that a recovery of 310 grams of Tramadol has been effected from the possession of the petitioner. It is contended that the petitioner was apprehended at the spot along with co-accused and the recovery effected falls within the commercial quantity under the NDPS Act, thereby attracting the rigours of Section 37 of the NDPS Act.

It is further submitted that the petitioner, along with co-accused, was actively involved in carrying intoxicant substances for the purpose of sale and, therefore, considering the nature and gravity of the offence, he does not deserve any concession of regular bail.

However, it is not disputed that the co-accused, namely Gurwinder Singh @ Gindha and Mangat Ram @ Mangu, have already been granted concession of regular bail by this Court. It is also not disputed that the petitioner is inside the jail since 07.10.2023.

7. I have heard learned counsel for the parties and have perused the relevant material available on record.

8. At this stage, without commenting upon the merits of the case, it is noticed that the petitioner is inside the jail since 07.10.2023, i.e., for a



period of more than 02 years and 05 months. It is further a matter of record that out of total 13 prosecution witnesses, only 02 witnesses have been examined so far, which shows that the trial is progressing at a slow pace.

It is also not disputed that similarly situated co-accused, namely Gurwinder Singh @ Gindha and Mangat Ram @ Mangu, have already been granted concession of regular bail by this Court. Thus, the case of the present petitioner stands on a similar footing and deserves consideration on the ground of parity.

Although the recovery attributed to the petitioner falls within the commercial quantity, however, considering the long period of incarceration already undergone and the slow progress of the trial, this Court is of the considered view that the rigours of Section 37 of the NDPS Act stand satisfied to a limited extent for the purpose of grant of bail.

9. Keeping in view the totality of the facts and circumstances, particularly the principle of parity, the period of incarceration, and the stage of trial, and without expressing any opinion on the merits of the case, this Court deems it a fit case for grant of concession of regular bail to the petitioner.

Consequently, prayer made in the present petition is **allowed**. Petitioner is ordered to be released on bail, subject to his furnishing bail/surety bonds to the satisfaction of the learned trial Court/ Chief Judicial Magistrate/ Illaqa Magistrate/ Duty Magistrate concerned, if not required in any other case.

10. Needless to observe that the petitioner shall not extend any threat and shall not influence any prosecution witness in any manner directly or indirectly.



11. Any of the discussion done and recorded here-above, shall not be construed as an expression of opinion on the facts of the case. Therefore, trial Court is expected to decide the case by taking an independent view, on the basis of evidence available on record, as expeditiously as possible in accordance with law.

12. It is further made clear that if, in future, petitioner is directly found indulged in similar kind of activities, this order shall be deemed to be cancelled.

13. Petition stands **disposed of**.
Misc. application(s), if any, also stand disposed of.

(SANJAY VASHISTH)
JUDGE

March 27, 2026
J.Ram

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No