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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-65533-2025
Decided on : 08.04.2026

Pardeep Kumar

... Petitioner(s)

Versus

State of Punjab

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. Sandeep Singh Jattan, Advocate,
Ms. Sandeep Kaur, Advocate and
Mr. Jagdeep Kumar Jindal, Advocate, for the petitioner(s).

Mr. Neeraj Madaan, Sr. DAG, 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
Pardeep Kumar	218	05.08.2017	22 of NDPS Act, 1985 and 24 of Arms Act, 1959	Samrala	Ludhiana

2. Primary contention of the petitioner is that earlier he was being tried along with the main accused, namely, Gagandeep and Mohd. Irfan. However, on account of his absence on 13.05.2022, bail earlier granted to the petitioner was cancelled by the learned trial Court. Meanwhile, trial proceedings *qua* the other two accused, i.e., Gagandeep and Mohd. Irfan, continued. It is further submitted that both the said accused have already been acquitted by the learned trial Court vide judgment dated 09.11.2023



(Annexure P-6).

3. After hearing learned counsel for the petitioner, on the previous date of hearing, i.e., 27.11.2025, following order was passed by this Court:-

“2. Counsel for the petitioner submits that the main accused, namely Gagandeep and Mohammad Irfan, have already been acquitted by learned trial Court, vide judgment dated 09.11.2023 (Annexure P-6).

However, despite their acquittal, petitioner, who was declared proclaimed offender during the proceedings, continues to face trial. It is argued that, as per the allegations levelled by the prosecution, 270 grams of heroin and one pistol were recovered from accused Gagandeep, while 255 grams of heroin was recovered from co-accused Mohammad Irfan, yet both have been acquitted.

3. Petitioner was initially arrested at the time of registration of the FIR and was subsequently released on bail, vide order dated 24.05.2019 (Annexure P-3). He regularly appeared before the Court until 2022, but due to his non-appearance on 13.05.2022, his bail was cancelled by learned Special Court, Ludhiana, vide order dated 13.05.2022 (Annexure P-4). Thereafter, petitioner was re-arrested and is in custody since 09.01.2024, amounting to an incarceration period of more than 1 year and 11 months.

4. It is further submitted that since the main accused have already been acquitted after the conclusion of trial, there is a strong likelihood of the petitioner of being acquitted. Nevertheless, he has yet to face trial. Petitioner now undertakes to comply with all the terms and conditions imposed by the Court and assures his regular appearance before the trial Court, if bail is granted to him once again.

5. Notice of motion.

6. On advance notice, Mr. Bareen Pratap Singh, AAG, Punjab, puts an appearance on behalf of the respondent/State, and submits that petitioner is an habitual offender as he is involved in 24 other criminal cases. However, he prays for grant of some time to file status report in the matter.

7. List again on 27.01.2026.”

4. Thus, learned counsel for the petitioner, while reiterating the aforesaid submissions, contends that petitioner is inside the jail since



09.01.2024 and, therefore, for the lapse on his part, he has already suffered sufficient incarceration. It is further submitted that petitioner need not be kept inside the jail for an indefinite period, more so, when the chances of acquittal are stated to be bright and on higher side, in view of the acquittal of the co-accused. Accordingly, prayer has been made for grant of regular bail to the petitioner.

5. On the other hand, learned State counsel, while vehemently opposing the prayer for bail, submits that petitioner does not deserve any leniency, as he had earlier misused the concession of bail. It is contended that due to his absence, trial proceedings were adversely affected and, after his re-arrest, trial has to be proceeded afresh, thereby causing delay and burden upon the Court.

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

7. Considering the circumstances in totality, it is noticed that the petitioner is inside the jail since 09.01.2024, i.e., for a period of more than 02 years and 02 months. It is further a matter of record that out of total 13 prosecution witnesses, 07 witnesses have already been examined and 06 witnesses are yet to be examined.

8. Without expressing any opinion on the merits of the case, and keeping in view the period of incarceration already undergone, this Court is of the considered view that continued detention of the petitioner inside the jail for an indefinite period is not warranted. Accordingly, this Court deems it appropriate to grant the 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.

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

10. The observation made here-in-above shall not be construed as an expression of opinion on the facts of the case and the Trial Court is expected to decide the case on the basis of complete evidence available on record.

11. 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.

12. However, it is also made clear that if the petitioner is again found misusing the concession of bail by remaining absent from trial proceedings, then after his re-arrest, he shall not be entitled to be released on bail till the conclusion of trial.

13. Petition stands **disposed of**.

Misc. application(s), if any, also stand disposed of.

(SANJAY VASHISTH)
JUDGE

April 08, 2026

J.Ram

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No