



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

211

CRM-M-67250-2025

Date of decision: 05.02.2026

JUDGE SINGH

.....Petitioner

VERSUS

STATE OF PUNJAB

.....Respondents

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present: - Mr. Lakshay Bansal, Advocate
for the petitioner.

Mr. Mohit Kapoor, Senior DAG, Punjab.

VINOD S. BHARDWAJ, J. (Oral)

1. The instant second petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, for the grant of regular bail in case bearing FIR No. 29 dated 24.02.2023, registered under Section(s) 22 and 29 of the NDPS Act, 1985 at Police Station Mamdot, Ferozepur.
2. The matter came up for hearing on 19.01.2026, when the following order was passed.

“The first petition seeking grant of regular bail filed by the petitioner bearing No.CRM-M-22769-2025 had been dismissed as not pressed after recording the statement of the State counsel made to the effect that out of total witnesses, 07 prosecution witnesses had already been examined and 05 prosecution witnesses were given up. It was also informed that statement of the petitioner under Section 313 Cr.P.C. was also recorded and the case was fixed for defence evidence.”

Counsel for the petitioner contends that the aforesaid information was wrongly furnished by the State and that only 05 witnesses have been examined and cross-examination of PW.6 ASI Rajesh Kumar has been deferred. There are 06 more witnesses to be examined by the State.

Learned State counsel, on instructions from ASI Om Parkash, contends that 07 witnesses have been examined and 04 witnesses have been given up and cross-examination of only one official namely ASI Partap Singh is pending for 06.02.2026.

It is evident from the statement made today in the Court that the information furnished by the same instructing official i.e. ASI Om Parkash is contradictory. While the information furnished to the office of Advocate General, Punjab, reflects that ASI Partap Singh is to be examined, however, the zimni order shows that it is ASI Rajesh Kumar who is to be cross-examined. Moreover, there is a material deviation in the contention to the effect that one witness still remains to be examined while the same ASI had instructed the State counsel on 15.09.2025 to the effect that the entire prosecution evidence stood concluded and even the statement of the petitioner under Section 313 Cr.P.C. stood recorded.

It is thus reflected that unverified information has been submitted to this Court.

The Senior Superintendent of Police, Ferozepur, is directed to file his affidavit as regards the correct status. Besides, a cost of Rs.50,000/-is imposed upon the office of Superintendent of Police, Ferozepur to be deposited with Nishkam Sewa High Court Lawyers Society, Account No.43373609961, IFSC Code SBIN0050306, State Bank of India, High Court Branch, Chandigarh, for furnishing incorrect information before this Court. The State shall be at liberty to recover the costs from the erring officials.

List for further consideration on 05.02.2026.”

3. In compliance thereto, status report by way of affidavit of Bhupinder Singh, PPS, Senior Superintendent of Police, District Ferozepur has been filed on behalf of respondent-State in the Court today and the same is taken on record. The costs as imposed stands paid.

4. Counsel for the respondent-State refers to the affidavit and contends that there were total 12 prosecution witnesses out of which 05 witnesses have been examined and that 05 prosecution witnesses were given up. One witness namely Sandeep Kumar has since then expired, hence, his testimony could not be recorded. The chief examination of one witness namely ASI Rajesh Kumar has already been recorded and the matter is now listed for 06.02.2026. He thus contends that the prosecution evidence is on the verge of completion and that the earlier statement made was incorrect for which the cost has been deposited.

5. Without going any further into the controversy as regards the incorrect facts being furnished to the Court, at this stage, in view of the cost having been paid, I find that the present petition for seeking grant of regular bail to the petitioner would not merit consideration for bail. The prosecution evidence being on the verge of completion, hence, the trial is already at a fag end. The trial Court is requested to take expeditious steps for conclusion of the trial expeditiously considering that the petitioner has already undergone an actual custody of more than three years.

6. Petition is accordingly disposed of.

(VINOD S. BHARDWAJ)
JUDGE

FEBRUARY 05, 2026

Vishal Sharma

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