

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

2025:PHHC:089114



115

CRM-M-36730-2025

Date of decision: 21.07.2025

Madan Lal @ Maddi

...Petitioner

V/s

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Harjeet Singh, Advocate for the petitioner.

Mr. Gurpartap S. Bhullar, AAG, Punjab.

SUMEET GOEL, J. (ORAL)

1. Present petition has been filed under Section 483 of BNSS, 2023 for grant of regular bail to the petitioner in case bearing FIR No.19 dated 08.02.2025 registered for the offences punishable under Section 22 of NDPS Act, 1985 at Police Station Balachaur, District SBS Nagar, Punjab.
2. The case set up in the FIR in question (as set out by the petitioner in the present petition) is as follows:-

“Station House Officer Police Station Balachaur, Jai Hind today ASI along with ASI Dharam Band No. 427/SBSN, L/CT Tania 361/SBSN, R/CT Harvinder Singh 639/SBSN, along with lap-temp printer, government vehicle No. PB 32 K 3462, whose driver is PHG Sucha Singh 26589, was out from the police station to search suspected persons and vehicles. When the police party was patrolling through Bhulekha Chowk and going to village Mehatpur along the canal, the turn would be around 5:40 PM, a young man was seen coming from the front on foot. He got scared after seeing the uniformed employee and the government vehicle and he got perplexed and took left turn. He threw something he was holding in his left hand

towards the unpaved side, on which due to suspicion, he was caught with the help of his fellow employees and he was arrested. He was asked the name and address of. Who told his name as Madan Lal alias Mandi, son of Jeet Ram, resident of village Kingra, police station Bhogpur, district Shaheed Bhagat Singh Nagar. While informing him about name, rank and posting, the ASI told him that 'I am ASI Ram Shah No. 851/SBSN posted at police station Balachaur and my colleagues are with me. Then the ASI took the person arrested Madan Lal alias Mandi Ukar, and went to the object thrown by him and saw that the thrown object contained narcotic pills. Before searching the envelope thrown by Madan Lal alias Mandi Ukar, the ASI tried to join the police party as a witness from the public, but no one was ready to join in the police party and left the place expressing their own compulsion. Then, the ASI, in the presence of his fellow employees, checked the transparent note dropped by the above Madan Lal alias Mandi and from the transparent note, a total of 02 sheets of narcotic pills (15 pills in each sheet) totalling 30 pills of the brand ETIZOLAM TABLETS IP ETIZOLA 0.5 with the batch number and expiry date erased were recovered, under which videography was done under section 105 BNS. The seized 02 strips of narcotic pills (15-15 pills in each sheet) total 30 pills brand ETIZOLAM TABLETS IP ETIZOLA 0.5 batch number and expiry date erased. The ASI prepared the parcel by putting the same envelope in a yellow envelope and stamped it with his seal with the letters RS and prepared three layers of sample RS, after the stamp, the use reference was ASI Dharam Chand No. 427/SBSN. The seized parcel 02 sheets of narcotic pills (15-15 pills in each sheet) total 30 pills brand ETIZOLAM TABLETS IP ETIZOLA 0.5 punch number and expiry date erased, separate sample RS three layers were taken to the police through a separate person as a reason for the original possession. Madan Lal alias Maddi said that the above mentioned was held with 15-15 tablets) total 30 Marka ETIZOLAM TABLETS IP ETIZOLA 0.5, Expiry Date has been deleted regarding which Madan Lal alias Mandi could not show any license or medical slip regarding keeping these

intoxicant tablets in his possession, On which Madan Lal alias Modi said that in his possession.

Therefore ruka for registration of case against Madan Lal alias Maddi son of Jeet Ram resident of village Kingara, PS Bhogpur, District Janadhar is being sent by hand CT Harvinder Singh 639/SBSN to Police Station, since the chance is recovery, there is no need for further action and the report of Section 57 NDPS Act is being sent separately to the District superintendent Officer. A case be registered and the case number should be informed, special reports should be issued and the control room should be informed. I am busy investigating the case along with the ASI and my fellow employees. Right/-Ram Shah ASI Police Station Balachaur Dated 08-02-2025 Today, at village Mehatpur, AT: 7:00 PM, Police Station: The above case has been registered against the above native under the above section and a copy of the FIR along with the original report has been kept and the CT is being sent at the spot to the ASI for investigation. Special reports are being prepared and sent to the service of the Area Magistrate Sahib and officers. Information is being given to the control room and the officers through telephone.”

3. Learned counsel for the petitioner has urged that the petitioner is in custody since 08.02.2025. Learned counsel appearing for the petitioner has further argued that the petitioner has been falsely implicated into the FIR in question. Learned counsel for the petitioner has further iterated that mandatory provisions of NDPS Act have not been complied with. Thus, regular bail is prayed for.

4. Counsel for the State has opposed the present petition by arguing that the allegations raised are serious in nature and, thus, the petitioner does not deserve the concession of regular bail.

5. I have heard counsel for the parties and have gone through the available records of the case.

6. It is not in dispute that the contraband alleged to have been recovered from the petitioner is a non-commercial quantity. The petitioner was arrested on 08.02.2025 & thereafter investigation was carried out and challan was presented on 08.04.2024 wherein total 10 witnesses have been cited, out of which none has been examined till date. It is indubitable that conclusion of trial will take its own time. The rival contentions raised by the counsel give rise to the debatable issues which are essentially required to be ratiocinated upon during the course of trial. This Court does not deem it appropriate to delve deep into these rival contentions, at this stage, lest it may prejudice the rights of either of the parties. Nothing tangible has been brought forward to indicate the likelihood of the petitioner absconding from the process of justice or interfering with the remaining prosecution evidence.

As per the custody certificate dated 20.07.2025 filed by the learned State counsel, the petitioner has suffered incarceration 5 months and 11 days. Further, as per the said custody certificate the petitioner is stated to be involved in 3 more criminal cases. However, this factum cannot be a ground sufficient by itself, to decline the concession of regular bail to the petitioner in the FIR in question when a case is made out for grant of regular bail *qua* the FIR in question by ratiocinating upon the facts/circumstances of the said FIR. Reliance in this regard can be placed upon the judgment of the Hon'ble Supreme Court in *Maulana Mohd. Amir Rashadi v. State of U.P. and another, 2012 (1) RCR (Criminal) 586*; a Division Bench judgment of the Hon'ble Calcutta High Court in case of *Sridhar Das v. State, 1998 (2) RCR (Criminal) 477* & judgments of this

Court in *CRM-M No.38822-2022* titled as *Akhilesh Singh v. State of Haryana*, decided on 29.11.2021, and *Balraj v. State of Haryana, 1998 (3) RCR (Criminal) 191*.

Suffice to say, the further detention of the petitioner in custody is not required in the facts and circumstances of the case.

7. Accordingly, keeping in view the entirety and totality of facts and circumstances of the case; especially the factum the complainant has not supported the case of the prosecution, this Court proceeds to consider favourably the plea for grant of bail to the petitioner. Suffice to say, the further detention of the petitioner in custody is not required in the facts and circumstances of the case. The petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the learned concerned CJM/Duty Magistrate. However, in addition to conditions that may be imposed by the concerned CJM/Duty Magistrate, the petitioner shall remain bound by the following conditions:-

- (i) The petitioner shall not mis-use the liberty granted.
- (ii) The petitioner shall not tamper with any evidence, oral or documentary, during the trial.
- (iii) The petitioner shall not absent himself on any date before the trial.
- (iv) The petitioner shall not commit any offence while on bail.
- (v) The petitioner shall deposit his passport, if any, with the trial Court.
- (vi) The petitioner shall give his cell phone number to the Investigating Officer/SHO of concerned Police Station and shall not change his cell-phone number without prior permission of the trial Court/Illaqa Magistrate.

- (vii) The petitioner shall not in any manner try to delay the trial.
8. In case of breach of any of the aforesaid conditions and those which may be imposed by concerned CJM/Duty Magistrate as directed hereinabove or upon showing any other sufficient cause, the State/complainant shall be at liberty to move cancellation of bail of the petitioner.
9. Ordered accordingly.
10. Nothing said hereinabove shall be construed as an expression of opinion on the merits of the case.
11. Since the main case has been decided, pending miscellaneous application, if any, shall also stands disposed off.

(SUMEET GOEL)
JUDGE

July 21, 2025
Naveen

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No