



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

217

**CRM-M No.35291 of 2025 (O&M)
Date of Decision: 11.09.2025**

Malkit Singh @ Tubhar

.....Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR.JUSTICE SURYA PARTAP SINGH**Present:** Mr.Baljinder Singh Khaira, Advocate for the petitioner.

Mr. Eklavya Darshi, DAG, Punjab.

SURYA PARTAP SINGH, J. (Oral):

1. For the commission of offence punishable under Section 22 of Narcotic Drugs and Psychotropic Substances Act, 1985, FIR No. 178 dated 25.09.2023 has been lodged in Police Station Samana, District Patiala. The petitioner is being prosecuted for the commission of above mentioned offence and he has been arrested. The petitioner is in custody and, therefore, craving for the benefit of bail. This is first petition, filed by the petitioner, under Section 483 of BNSS.

2. Briefly stated the allegations contained in the FIR are that the petitioner is being prosecuted for being in possession of contraband, ad-measuring 168.5 grams Covidol-100 and 1089.846 grams of OMEREX-T (commercial quantity). As per prosecution, on the basis of a tip-off given by an informer *firstly* the FIR, specifically naming the petitioner and his co-accused, was lodged and thereafter a raid was conducted wherein the above mentioned contraband was recovered.

3. Notice of motion.



4. Since advance notice has already been served, Mr. Eklavya Darshi, DAG, Punjab, appears on behalf of respondent-State, and waives service.

5. Learned State Counsel has filed custody certificate of the petitioner. The same be taken on record. He has opted not to file formal reply to the petition, however, he has orally opposed the present bail petition.

6. Heard.

7. It has been contended by learned counsel for the petitioner that petitioner has already suffered sufficient incarceration for being in custody for a period of 1 year, 7 months and 9 days. It has also been contended by learned counsel for the petitioner that investigation in this case is already complete and, therefore, nothing is left to be recovered from the possession of petitioner. As per petitioner the trial is not likely to be concluded in near future, as out of 23 witnesses only 6 have been examined so far, and that after giving up 3 witnesses 14 witnesses are yet to be examined. According to learned counsel for the petitioner in other cases which were pending against the petitioner in one case the petitioner has been acquitted, in another he has already undergone the sentence and in the 3rd case, wherein he has been convicted, he has been afforded the benefit of suspension of sentence. The benefit of bail has been sought on the ground that the trial is not likely to be concluded in near future.

8. Per contra, learned State counsel has argued that the quantity of contraband recovered from the possession of the petitioner is commercial quantity and that petitioner does not have clean antecedents. The learned State counsel on the basis of above submissions has pleaded that in the given fact situation, the petitioner is not entitled for the benefit of bail.

9. The record has been perused carefully.



10. A perusal of record shows that in the present case, for the decision of present petition, following are the factors which are relevant for arriving at any conclusion: -

- (1) that the petitioner is already in custody for a period of 1 year 7 months and 9 days;
- (2) that the benefit of bail has already been afforded to the co-accused of the petitioner, namely Sarabjeet Singh @ Bagha who was present with the petitioner and found in possession of contraband at the time of raid;
- (3) that the investigation in this case is already complete and, therefore, nothing is left to be recovered from the possession of the petitioner;
- (4) that the trial is not likely to be concluded in near future;
- (5) that detaining of petitioner in the judicial lock up is not likely to serve any purpose;
- (6) that all the witnesses, yet to be examined, are official witnesses and, therefore, there is no chance that the petitioner will be able to influence them.

11. If cumulative effect of all the above mentioned factors is taken into consideration it leads to a conclusion that the petitioner is entitled for the benefit of bail.

12. Accordingly, without commenting anything on the merits of the case, the present petition is hereby allowed and the petitioner is admitted to bail subject to his furnishing bail bonds to the satisfaction of the trial Court.

(SURYA PARTAP SINGH)
JUDGE

11.09.2025

Manoj Bhutani

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