

2025.PHHC:099424



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

1. CRM-M-41905-2023 (O&M)

Mohan Lal ...Petitioner

Versus

State of Punjab ...Respondent

2. CRM-M-41975-2023 (O&M)

Aditya ...Petitioner

Versus

State of Punjab ...Respondent

Date of decision : 05.08.2025

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. D. S. Virk, Advocate and
Mr. Yashpal Thakur, Advocate
for the petitioners.

Ms. Sakshi Bakshi, AAG, Punjab.

MANISHA BATRA, J. (Oral)

1. This common order shall dispose of above mentioned two petitions as they arise out of the same FIR and seek similar reliefs.

2. CRM-29812-2025

Allowed as prayed for.

Documents are taken on record.

3. Main Cases

Prayer in these petitions, filed under Section 439 of Cr.P.C., is for grant of regular bail to the petitioners in case bearing FIR No. 87 dated 28.04.2023, registered under Section 15 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (*for short 'NDPS Act'*) at Police Station Mandi Gobindgarh, District Fatehgarh Sahib.

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4. The allegations against the petitioners are that on 28.04.2023, they were apprehended by a police party along with 52 kgs. poppy husk. However, vide orders dated 29.01.2024, passed separately in both the petitions, the petitioners were granted concession of interim bail. The order dated 29.01.2024 reads as under :

“Contends that petitioner is in custody since 28.04.2023. After investigation, report under Section 173 Cr. P.C. was presented on 23.10.2023 and charges have been framed on 01.12.2023. Also contends that out of total 14 PWs, none has been examined till date.

Learned State counsel seeks time to verify the above factual position.

Posted for 11.03.2024.

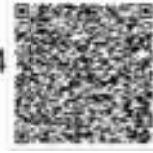
In the meanwhile, petitioner be released on interim bail in the present case till the next date of hearing on furnishing adequate bail and surety bonds subject to the satisfaction of learned trial Court/CJM/Duty Magistrate concerned.”

5. Since then the petitioners are on interim bail and these petitions have been adjourned from time to time while extending the interim bail.

6. Today, learned counsel for the petitioners has submitted that the petitioners are not involved in any other case of similar nature. They are on interim bail since 29.01.2024 and have never misused the same. The trial is standstill as out of total 14 prosecution witnesses, no witness has been examined so far. Hence, the conclusion of the same would definitely take a long time. No useful purpose would be served by detaining them in custody again. Therefore, it is urged that the petition deserves to be allowed.

7. Status report has been filed by the respondent-State. Learned State counsel has argued that keeping in view the gravity of the allegations levelled

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against the petitioners, they are not entitled to get benefit of bail. It is, thus, argued that the petitions are liable to be dismissed.

8. I have heard learned counsel for the parties at considerable length and have also perused the material placed on record.

9. The petitioners are on interim bail since 29.01.2024. They are not shown to be involved in any other case under NDPS Act. They are not even shown to have misused the concession of interim bail in any manner. Despite the fact that challan was presented on 23.10.2023, no prosecution witness has been examined so far, which means that the trial is substantially delayed. Learned counsel for the petitioner has placed on record copies of zimni order passed by the learned trial Court, which also show that the trial is not progressing. In view thereof, I am of the considered opinion that no useful purpose would be served by detaining the petitioners into custody. Accordingly, the present petitions are allowed. The interim bail, granted to the petitioners on 29.01.2024, is hereby confirmed and converted into regular one. However, it will be open for the prosecution to apply for cancellation of bail in case the petitioners are found involved in any other subsequent case.

10. It is made clear that the observations made hereinabove are only for the purpose of deciding the present petitions and the same shall not be construed as an expression of opinion on the merits of the case.

11. Let a photocopy of this order be placed on the file of the connected case.

05.08.2025

*Waseem Ansari/parveen Sharma***(MANISHA BATRA)
JUDGE***Whether speaking/reasoned**Yes/No**Whether reportable**Yes/No*