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

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Date of decision : 04.07.2025

Ashok Kumar Sharma

... Petitioner

Versus

State of Punjab

.. Respondents

CORAM : HON'BLE MR. JUSTICE H.S.GREWAL

Present:- Mr. Bipin Ghai, Senior Advocate with
Mr. Nikhil Ghai, Advocate for the petitioner.

Mr. Hardeep Singh Wadhwa, DAG, Punjab.

H.S. Grewal, J.(Oral)

1. This petition has been filed for regular bail under Section 483 of BNSS in case FIR No.32 dated 17.03.2025, under Sections 21, 18, 23, 25, 29 of the NDPS Act and Section 25 of the Arms Act and Sections 109, 3(5) of BNS, 2023 added later on, registered at Police Station Jhabal, District Tarn Taran.

2. Learned Senior counsel for the petitioner submits that the case of the prosecution is that the recovery of 7 kgs. of opium along with 30 bore pistol along with one live cartridge and drug money has been effected from co-accused Gurjant Singh @ Janta. He further submits that the petitioner was not named in the FIR and had been arraigned as an accused on the disclosure statement of co-accused Iqbal Singh, who was also arraigned as an accused on the disclosure statement of Gurjant Singh @ Janta. He, however, submits that



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neither any recovery has been effected from the petitioner nor there is any incriminating evidence against the petitioner besides the third disclosure statement of Iqbal Singh which could connect him with the instant FIR. He also submits that the petitioner was nominated as an accused in FIR No.22 dated 21.01.2025 under the NDPS Act, registered at Police Station ANTF, Mohali but he had been released vide order dated 12.05.2025 (Annexure P-3) passed in CRM-M-16156-2025 as his arrest was found to be illegal. The petitioner is in custody for 02 months and 28 days.

3. Learned State counsel vehemently opposes the prayer for grant of regular bail to the petitioner. He has filed the custody certificate in the Court today, which is taken on record. As per custody certificate, the petitioner is in custody for 02 months and 28 days. He, upon instructions, submits that although challan has been presented but charges are yet to be framed. He also submits that the petitioner is involved in two other cases which includes one under the NDPS Act.

4. I have heard the learned counsel for the parties and perused the record.

5. In view of the above submissions of learned counsel and the fact that the petitioner is in custody for 02 months and 28 days and the trial is likely to take a long time as charges are yet to be framed, therefore, the continuous detention of the petitioner would not serve the ends of justice. Keeping in view the facts and circumstances of the present case, this Court deems it fit to grant the concession of regular bail to the petitioner during the pendency of the trial.

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6. Therefore, without expressing any opinion on the merits of the case, the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing requisite bail bonds, surety bonds to the satisfaction of the learned trial Court/Duty Magistrate/Chief Judicial Magistrate concerned.

7. However, it is made clear that in case the petitioner misuses the concession of bail, the State would be at liberty to seek cancellation of his bail.

(H.S.GREWAL)
JUDGE

04.07.2025
A.Kaundal

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