



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

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**CRM-M No.47164 of 2025
Date of decision : 1.9.2025**

Nama Ram**Petitioner**

Versus

State of Punjab**Respondent**

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Arshdeep Singh Sra, Advocate, for the petitioner

Mr. Baljinder Singh Sra, Addl. AG, Punjab

SUMEET GOEL, J. (ORAL)

1. Present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') for grant of regular bail to the petitioner in case FIR No.411 dated 29.12.2023, under Sections 22A of the Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Sadar Mansa, District Mansa.
2. The case set up in the FIR in question (as set out in the present petition by the petitioner) is as follows:-

'Copy of Ruqa, respected Chief Officer P.S Mansa Sadar, today I SI along with SI Darshan Singh, Lady Constable Narinder Kaur 695/Mansa Constable Jaswinder Singh1130/Mansa on government vehicle no. PB11AJ9270 which was driving by constable Gurmukh Das 1004/Mansa along with printer, laptop, inverter for the checking of suspected persons left the police station from Mansa city and from sadar Mansa. When the police party was going towards the village Bhaini and Bhai desa, the police party's vehicle reached Bhaini Bagha one kilometer away from



Rohi Wala Road, then a middle-aged man from the front, who had a transparent plastic bag in his right hand, from which the tablets strips were clearly visible. On seeing police party, he immediately got scared and started turning towards the Rohi wala way on his lefthand side, then I SI turn the government vehicle towards him and apprehended him with the help of police party. He told his name as Nama Ram, son of Sardara Ram, son of Lachhman Ram, resident of Bazigar Basti, near Bus Stand Bhai Desa. Whose age is about 65 years, height 5.1-inch color is whitish, cut surd, the left arm is old and broken. Then I tried to include private witness but no one joined. Then I SI opened the plastic bag in the possession of the arrested person and checked it, in which tablet strips were recovered, which were taken out from plastic bag and on counting 100 tablets were recovered, 10 tablets in each strip (total 10 strips). On which Tramadol Prolonged Release Tablets Corlividol-100 SR Tablets was written and batch number was not visible and the Manufactured by: Perk Pharmaceuticals Ltd A-7 Industrial Estate Partapur 250103. Recovered tablets were sealed by me with AS seal. The sample seals were prepared separately. Seal was handed over to Darshan Singh 737 of Mansa after use. Then I SI took possession of the said sample along with the tablets then all police witnesses sign the memo. Then I SI executed the search warrant of the said person Nama Ram, on which no cash or anything else was found. The said person Ram put his thumb on memo and the witness were sign. The Nama Ram has kept the drug tablets in his possession and offence under Section 22(A)/61/85 of the NDPS Act is made out. Therefore, the lady constable were send to the police station along with ruqa for registration of FIR. The case should be registered and the case should be informed through PCR, Mansa, Bajriya W/M. Be informed. Special report has been issued. I SI doing investigation on spot. Sign SI Amrik Singh Incharge.'

3. Learned counsel for the petitioner has argued that the petitioner was initially arrested on 29.12.2023 wherein after he was granted the concession of bail on 27.2.2024. Learned counsel has further submitted that thereafter on account of noting wrong date of trial proceedings, the petitioner could not appear on 16.5.2024 wherein after his bail was



cancelled. However, the surety has exhibited his *bona fide* as a surety and produced the petitioner in the concerned Court on 7.7.2025. Learned counsel has further submitted that the petitioner is in custody since 7.7.2025. Learned counsel has further argued that the non-appearance of the petitioner was unintentional in nature and he is willing to face trial proceedings in accordance with law in a diligent manner. Thus, regular bail is prayed for.

4. Learned State counsel 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 the regular bail. Learned State counsel seeks to place on record custody certificate dated 31.8.2025 in Court, which is taken on record.

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 petitioner was granted bail on 27.2.2024. He has jumped bail on 16.5.2024 but produced by his surety on 7.7.2025. Keeping in view the entirety of the facts and circumstances of the case, this Court does not deem it appropriate to keep the petitioner incarceration any further.

6.1 As per custody certificate dated 31.8.2025 filed by learned State counsel, the petitioner has already suffered incarceration for a period of about 2 months and one day. As per the said custody certificate, the petitioner is stated to be involved in multiple FIRs. Indubitably, the antecedents of a person are required to be accounted for while considering



a regular bail petition preferred by him. 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, further detention of the petitioner as an undertrial is not warranted in the facts and circumstances of the case.

7. In view of above, the present petition is allowed. Petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the Ld. 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.

(viii) The petitioner shall submit, on the first working day of every month, an affidavit, before the concerned trial Court, to the effect that he has not been involved in commission of any offence after being released on bail. In case the petitioner is found to be involved in any offence after his being enlarged on bail in the present FIR, on the basis of his affidavit or otherwise, the State is mandated to move, forthwith, for cancellation of his bail which plea, but of course, shall be ratiocinated upon merits thereof.

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.

(SUMEET GOEL)
JUDGE

1.9.2025
Ashwani

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