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CRM-M-63363-2024 and connected case**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

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Date of Decision: 22.09.2025**1. CRM-M-63363-2024(O&M)****SHANKAR SINGH SISODIA****... PETITIONER****VERSUS****UNION OF INDIA AND ANOTHER****... RESPONDENT****2. CRM-M-8112-2025****TEJ PARTAP ALIAS TABU****... PETITIONER****VERSUS****UNION OF INDIA AND ANR****... RESPONDENT****CORAM : HON'BLE MR. JUSTICE H.S.GREWAL**

Present:- Mr. Sachin Jain, Advocate with
Mr. V.B.Godara, Advocate for the petitioner
in CRM-M-63363-2024.

Mr. S.S.Gill, Advocate for the petitioner
in CRM-M-8112-2025

Mr. Rajiv Sharma, Special P.P(NCB) with
Ms. Indu Bala Sharma, Advocate for NCB-UOI.

Mr. Tapan Masta, Addl. Advocate General, Haryana.

H.S. Grewal, J.(Oral)

1. This order shall dispose of the aforesaid two petitions filed for grant of regular bail in case FIR No. 135 dated 05.08.2021 under Section 21 NDPS Act registered at Police Station, Jhansa, District Kurukshetra (later on



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case was transferred to NCB, Chandigarh for further investigation on 15.12.2021 vide NCB complaint No. 80 dated 31.01.2022 under Sections 8,21,27A, 29, 31,31A and 62 of NDPS Act, Police Station, NCB Chandigarh).

2. As per allegations, police received an information on the basis of which a complaint was lodged against three persons, namely, Tej Partap Singh @ Tabu, Sandeep Kumar @ Laddi and Shankar Singh Sisodia. Thereafter, the matter was transferred to Narcotics Control Bureau, Chandigarh for further investigation on 15.12.2021. As per the police, ASI Rajesh Kumar along with some police officials in a government vehicle were on patrolling duty for crime detection, there a secret informer met them and supplied an information that the petitioner, who was earlier also indulged in business of selling Heroin/smack and is a habitual offender, is coming from village Salpani Kalan for selling the Heroin, smack and thereafter, the petitioner was apprehended and from him 285 grams of Heroin was recovered. Thereafter, on the basis of disclosure statement of the petitioner, search his house was conducted from where 525 grams of heroin besides the cash amount of Rs. 8,45,000/- were recovered.

3. Mr. Sachin Jain, Advocate appearing in CRM-M-63363-2024 submits that the petitioner has not been named in the present case and has been implicated on the basis of disclosure statement of co-accused namely Tej Paratap Singh @ Tabu, which is not admissible as a piece of evidence at this stage. He submits that the petitioner is in custody for the last more than 03 years and 09 months, so far as the antecedents of the petitioner is concerned, he is involved in two more cases under NDPS Act, but has already been granted concession of bail.



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4. Mr. S.S.Gill, Advocate appearing in CRM-M-8112-2025 submits that as per the case of the prosecution, the subsequent recovery was effected from the disclosure statement of the petitioner but at the time of alleged recovery, no public witness, no member of panchayat was associated from the locality by the police. Moreover, no search warrant was obtained for conducting the raid in the house of the petitioner. He submits that the petitioner is in custody for the last more than 04 year 01 month and 20 days, so far as the antecedents of the petitioner is concerned, he is involved in 15 more cases under the NDPS Act but he has already been acquitted in all those cases.

5. Learned counsel appearing on behalf of respondent No.1-NCB has vehemently opposed the grant of bail to the petitioners on the ground that petitioners formed a gang for the purpose of smuggling the narcotics and considering the seriousness of the offence, the petitioners are not entitled for grant of regular bail. On instructions from Hemant Chaudhary, he further submits that out of 21 cited prosecution witnesses, only 04 have been examined so far.

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

7. Learned counsel for the petitioners have brought to the notice of this Court the order dated 04.09.2025 passed by the Courts below and the same is reproduced as under:-

“Warrant of arrest issued to PW Insp. Mandeep Singh has been received back unexecuted. Let he be again summoned through warrant of arrest for the date fixed.”



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8. This Court has noticed that despite service, by way of summons,ailable warrants and non-ailable warrants, the police officials are not appearing as witnesses deliberately, in the present case. In fact, it is matter of grave concern for all the Courts. Apart from that, it not only amounts to interference in the administration of justice, but is also violative of right of accused under Article 21 of the Constitution of India. Even, this intentional absence of official witnesses helps the accused in claiming that they had been incarcerated for a longer period and such a plea serves an an additional plea in favour of the petitioners to secure their bail.

9. Consequently, the Superintendent of Police, Kurukshetra is directed to arrest the witness Inspector- Mandeep Singh for the purpose of producing him before trial Court only, as non-ailable warrants have already been issued against him and he shall be produced before the trial Court on the date fixed and shall be released after being examined as witness.

10. The Registry of this Court is directed to send a copy of this order to the Superintendent of Police, Kurukshetra to take strict action against the officials who are responsible for delaying the proceedings.

11. Considering the long incarceration of the petitioners, the continuous detention of the petitioners would not serve the ends of justice, therefore, this Court deems it a fit case to grant the concession of regular bail to the petitioners during the pendency of the trial.

12. Hence, without expressing any opinion on the merits of the case, the instant petition is allowed. The petitioners are ordered to be released on regular bail on their furnishing requisite bail bonds, surety bonds to the



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satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate concerned.

13. Pending application(s), if any, shall also stand disposed of.

22.09.2025

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**(H.S.GREWAL)
JUDGE**

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