



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

208

CRM-M-10552-2023 (O&M)  
Date of decision: 11.09.2025

**Jiwan Kumar**

**...Petitioner**

**Versus**

**State of Punjab**

**...Respondent**

**CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present:- Mr. Yashpal Thakur, Advocate  
for the petitioner.

Ms. Sakshi Bakshi, AAG, Punjab.

**MANISHA BATRA, J. (Oral)**

1. This is the third petition, filed under Section 439 Cr.P.C., for grant of regular bail to the petitioner in FIR No. 111 dated 08.06.2021, registered under Section 22-C of the Narcotic Drugs and Psychotropic Substances Act, 1985 (*for short 'NDPS Act'*) at Police Station Sirhind, District Fatehgarh Sahib. His previous petitions filed for grant of regular bail i.e. CRM-M-43144-2021 and CRM-M-34595-2022, were dismissed on 04.05.2022 and 15.12.2022 respectively.

2. As per the allegations, on 08.06.2021 a secret information was received to the effect that the petitioner and co-accused Harjinderpal Singh @ Rajvir were habitual of consuming intoxicating substances and doing business of sale of the same and at that moment also, they were coming to Ludhiana for supplying contraband on a motorbike and could be apprehended if a barricade was laid. Believing the secret information to be



true, a barricade was laid at the informed place. Information was sent to the Police Station for registration of FIR. After some time, the petitioner along with the co-accused was apprehended. On conducting search, one black-blue coloured bag containing 4200 tablets having salt of tramadol prolonged release, was recovered from the same. The petitioner and the co-accused were formally arrested. Investigation now stands completed.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. The mandatory provisions of NDPS Act were not complied with at the time of effecting the alleged recovery. They are in custody since long. No recovery was effected from his conscious possession as the alleged contraband was lying in between the driver and pillion rider of the motorcycle. The petitioner has permanent abode. He has clean antecedents. He has been extended benefit of interim bail vide order dated 20.12.2023 and has not misused the same. The trial will take time to conclude. No useful purpose would be served by sending him to custody again. It is, therefore, urged that the benefit of interim bail as extended to him deserves to be made absolute.

4. Status report has been filed. It is argued by learned State counsel that there are serious and specific allegations against the petitioner. Recovery of commercial quantity of contraband was effected from the conscious possession of the petitioner as well as the co-accused. He has enjoyed the benefit of interim bail for a period of more than 01 year and 08 months. The trial is going at a proper pace and few witnesses remain to be examined. It is, therefore, urged that the petition does not deserve to be



allowed.

5. This Court has considered the rival submissions.

6. The petitioner along with the co-accused is alleged to have been found in possession of commercial quantity of contraband. He was extended benefit of interim bail, which has been continued till date. He had remained in custody for a period of 02 years, 06 months and 10 days till then. He does not have any criminal antecedents. Till date, only 11 out of 16 witnesses have been examined, despite the fact that the matter pertains to the year 2021. The trial will still take time to conclude. The petitioner has not misused the concession of interim bail as granted to him.

7. In view of the above discussed facts and circumstances, this Court is of the opinion that the petition deserves to be allowed. Accordingly the same is allowed and the order dated 20.12.2023 granting interim bail to the petitioner is ordered to be made absolute.

8. It is, however, clarified that if it is found that the trial is further delayed due to any act of the petitioner, then the trial Court shall be at liberty to cancel his bail.

9. It is made clear that any observation made herein above is only for the purpose of deciding the present petition and the same shall have no bearing on the merits of the case.

**11.09.2025**

Satyawan

**(MANISHA BATRA)  
JUDGE**

*Whether speaking/reasoned*

*Yes/No*

*Whether reportable*

*Yes/No*