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

CRM-M-5976-2025

Date of Decision: 06.02.2025

MOHAMMAD ASLAM ALIAS KATI **....Petitioner(s)**

VERSUS

STATE OF PUNJAB **....Respondent(s)**

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Ms. Kamlesh, Advocate
for the petitioner.

Mr. Amandeep Singh, DAG, Punjab.

SANJAY VASHISTH, J. (Oral)

1. The instant petition has been filed under Section 483 of BNSS, 2023 (earlier Section 439 Cr.P.C.), for grant of regular bail to the petitioner, during the pendency of trial, who has been booked in a criminal case arising out of First Information Report, as detailed hereunder:-

Name of Petitioner(s)	FIR No.	Date	Section(s)	Police Station	District
Mohammad Aslam @ Kati	0064	30.09.2023	15, 29, 61 and 85 of NDPS Act	Sandaur	Malerkotla

2. Learned counsel for the petitioner contends that there is recovery of 60 kg of poppy husk from two persons and, therefore, it would be moot question during the final stage of the trial as to whether, both the petitioners were having conscious possession of the 60 kg or in part.

He further contends that commercial quantity is more than 50 kg of poppy husk whereas, it is little more than the non-commercial.



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Counsel submits that petitioner is of the age of 44 years and except of present case, there is no involvement in any similar activity. The petitioner is inside jail for the last more than 4 months and since the trial is yet to start and co-accused namely Hardeep Singh alias Haipa has already been released on bail vide order dated 08.01.2025 (Annexure P-3) passed in CRM-M-15161-2024, therefore, prays for bail on principle of parity.

3. On advance notice, learned State counsel puts in appearance and in response to the arguments addressed by learned counsel for the petitioner, learned State counsel, produces the custody certificate dated 05.02.2025 in Court today, which is taken on record. Office to tag the same at appropriate place. A copy thereof has been handed over to the counsel for the petitioner.

As per the custody certificate, in the present case, petitioner has already undergone 01 year 04 months and 01 day period inside jail and there is no other case registered against him.

Learned State counsel does not dispute the fact that petitioner is not found involved in any other case.

5. After hearing learned counsel for the parties and perusing the relevant material on record with their able assistance, this Court finds substance in the submissions made by learned counsel for the petitioner by observing that petitioner requires to be afforded one opportunity to rise up and rehabilitate in the society to join the normal course of life. Therefore, this Court allows the prayer of bail made in the present petition.

6. In view of totality of circumstances, and the facts/allegations levelled against the petitioner, and the factors noticed hereinabove, I deem it appropriate to grant the concession of bail to the petitioner.

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7. Consequently, prayer made in the present petition is **allowed**.
Petitioner is ordered to be released on bail, subject to his furnishing bail/surety bonds to the satisfaction of the learned trial Court/ Chief Judicial Magistrate/ Illaqa Magistrate/ Duty Magistrate concerned, if not required in any other case.

8. Needless to observe that the petitioner shall not extend any threat and shall not influence any prosecution witness in any manner directly or indirectly.

9. The observation made hereinabove shall not be construed as an expression of opinion on the facts of the case and the Trial Court is expected to decide the case on the basis of complete evidence available on record.

10. It is further made clear that if, in future, petitioner is directly found indulged in similar kind of activities, this order shall be deemed to be cancelled.

11. Petition stands disposed of.

February 06, 2025
Sangeeta

(SANJAY VASHISTH)
JUDGE

Whether reasoned/speaking:
Whether reportable:

Yes/No
Yes/No