



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

228

CRM-M-15097-2024

Date of decision: August 26th, 2025

Sunil Kumar @ Sunil

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. J.S. Thind, Advocate
for the petitioner.

Mr. Amit Rana, Senior Deputy Advocate General, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

Petitioner is seeking the concession of regular bail in FIR No.264 dated 11.10.2020 under Section 22 of the NDPS Act, 1985, registered at Police Station Gate Hakima, District Amritsar.

2. Learned counsel for the petitioner submits that the petitioner was arrested on 11.10.2020 on suspicion and thereafter a recovery of 4050 intoxicant tablets was shown to have been effected from a bag which he was allegedly carrying in his hands. Learned counsel has contended that it is a case of false implication, which finds credence from the fact that the mandatory provisions of the NDPS Act, particularly Section 50, were not complied with and no independent witness was joined at the time of the alleged recovery. It has been further submitted that the trial has been delayed firstly on account of the inordinate delay in the production of the FSL report and even thereafter as on date out of the ten witnesses cited by the

prosecution, only two have been examined so far. Learned counsel submits that in the circumstances, the petitioner deserves to be enlarged on bail as he cannot be made to languish in custody for an indefinite period awaiting the conclusion of the trial. In addition, it has also been submitted by the counsel that after the petitioner was arrested on 11.10.2020, challan was presented, however, the challan was sans the FSL report as a result of which the petitioner was extended the concession of interim regular bail by a coordinate Bench of this Court on 12.12.2020. He thereafter surrendered back after the FSL report was filed on 11.12.2023; during the period that the petitioner was on interim bail, he was not involved in any other case under the NDPS Act. He submits that the petitioner be admitted to bail subject to any stringent condition as this Court may deems fit.

3. *Per contra*, learned State counsel while opposing the prayer and submissions made by the counsel opposite, has not controverted the submissions made by the counsel opposite with respect to the proceedings before the trial Court as well as the present stage of the trial. It has also not been disputed by the learned State counsel that while the petitioner was on interim bail between 12.12.2020 and 11.12.2023, he had not been booked under the NDPS Act, however, on instructions, learned State counsel has apprised the Court that prior to the registration of the instant FIR, the petitioner had been booked in one other case under the NDPS Act, however, in the said case, he has already served out his sentence. It has been further submitted, on instructions, that the next date before the trial Court is 08.12.2025 when some of the remaining witnesses out of the remaining eight are likely to be examined.

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

5. The petitioner has been in custody for a substantial period of time and the trial has been delayed for reasons not attributable to the petitioner. The petitioner is not shown to be presently involved in any other case under the NDPS Act except the present one.

6. In the facts and circumstances as enumerated hereinabove, the instant petition is allowed and the petitioner be admitted to bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned. The learned trial Court/Duty Magistrate may impose any stringent conditions as it deems necessary to secure the presence of the petitioner during trial.

7. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

8. Needless to say, in case the petitioner misuses the concession of bail, the State would be at liberty to seek cancellation of the same.

August 26th, 2025
Puneet

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : No