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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-46512-2025

Date of Decision: 29.08.2025

ASHOK ALIAS ASHOK GODARA

... PETITIONER

VERSUS

STATE OF PUNJAB

....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SUBHAS MEHLA

Present: Mr. Karandeep Singh Sidhu, Advocate
for the petitioner.

Mr. Sandeep Kumar, Deputy Advocate General, Punjab.

SUBHAS MEHLA, J. (ORAL)

1. The petitioner is seeking regular bail in FIR No. 85 dated 16.05.2023, under Sections 15, 25 and 29 of NDPS Act, 1985 (Sections 411 and 473 IPC (added later on vide DDR No. 44 dated 18.09.2023) registered at Police Station Sadar Fazilka, District Fazilka.

2. Learned counsel for the petitioner contended that the petitioner has been falsely implicated in the present case. It is contended that mandatory provisions of NDPS Act are not complied with. He also submitted that the petitioner has been in custody for more than two years, the co-accused namely Sukhwinder Singh alias Preet has also been released on bail by this Court vide order dated 25.08.2025 in CRM-M-45057-2025 and the trial of the case is likely to take considerable time. The prolonged incarceration without trial violates the petitioner's Fundamental Right under



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Article 21 of the Constitution of India. The petitioner prays for concession of regular bail. The petitioner undertakes to abide by all conditions imposed by this Hon'ble Court and assures that he will not tamper with evidence, influence witnesses, or abscond during trial.

3. Learned State counsel has filed the custody certificate, which is taken on record.

4. Learned State counsel, appearing on advance notice, vehemently opposes the prayer for grant of regular bail to the petitioner and submits that in case the petitioner is granted the concession of regular bail, he will misuse the same. However, he is not able show whether the case of the present petitioner is on different footing from the co-accused who was granted concession of bail by this Court.

5. Heard.

6. In view of the submissions of learned counsel for the petitioner and the fact that the co-accused Sukhwinder Singh alias Preet has been granted concession of regular bail by this Court vide order referred to above; case of the petitioner is on similar footing; he is in custody for more than two years; the trial would take sufficient time to conclude, this Court deems it a fit case to grant the concession of regular bail to the petitioner.

7. Therefore, without expressing any opinion on the merits of the case, the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing requisite bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate concerned.

8. However, it is made clear that in case the petitioner is found to be indulged in any case under NDPS Act, the prosecution will be at liberty



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to move an application for cancellation of his bail.

29.08.2025

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(SUBHAS MEHLA)
JUDGE

Whether speaking/reasoned *Yes/No*

Whether reportable *Yes/No*