



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

218 (1<sup>st</sup> Case)

**CRM-M-21775-2024 (O&M)  
Date of Decision: 07.07.2025**

Najir Ahmed Dar

.....Petitioner

Versus

State of Punjab

.....Respondent

**CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU**

**Present:** Mr. Barjinder Singh, Advocate for  
Mr. Prateek Pandit, Advocate  
for the petitioner.

Mr. T.P.S. Walia, AAG, Punjab.

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**MAHABIR SINGH SINDHU, J.**

Present third petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 (for short '*Cr.P.C.*') for grant of bail pending trial to the petitioner in FIR No.179 dated 23.06.2023, under Sections 22 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Tanda, District Hoshiarpur.

(2) Allegations are that petitioner was found in possession of 80 capsules of *Spasmo Proxyvon* in a polythene bag kept in his lap; whereas from co-accused Farooq Ahmed Mir, 525 tablets of *Alprazolam* were recovered from a polythene bag kept in his lap.



Further alleged that 55 bottles of Corex Syrup were recovered from a bag kept in Swift car.

(3) Contends that petitioner was granted interim bail by this Court on 24.09.2024 and in pursuance of the aforesaid order, petitioner is regularly appearing before learned Special Court and he never misused the interim concession; nor there is allegation that he is likely to hamper the proceedings in any manner. Also contends that report under Section 173 Cr.P.C. was presented on 04.12.2023; charges were framed on the same day i.e. 04.12.2023, but out of total ten (10) prosecution witnesses, none has been examined so far; thus, trial will take sufficient long time. Lastly contends that there is no other criminal case pending against the petitioner.

(4) *Per contra*, learned State Counsel, on instructions from quarter concerned, has fairly acknowledged the above factual position. Also acknowledged that petitioner has not misused the interim concession granted by this Court on 24.09.2024; charges were framed on 04.12.2023 and out of total 10 PWs none has been examined.

(5) Heard learned Counsel for the parties and perused the paper-book.

(6) This Court, on 24.09.2024, granted interim bail to the petitioner in following manner:-

*“In view of the orders passed by Hon’ble the Supreme Court in Saurabh Gadewal Vs. The State of Chhattisgarh, SLP (Crl.) No(s). 9158/2023 decided on 11.10.2023 and Najrul Islam @ Najbul Hoque Vs. The State of West Bengal, SLP (Crl.) No(s). 14172/2023, Decided on*



*03.01.2024, it would be a debatable question whether the alleged recovery of cough syrup from the petitioner was commercial or non-commercial. Apart that, the other contraband allegedly recovered is concededly non-commercial in nature.*

*Learned State counsel seeks time to verify the status of trial.*

*Posted for 19.11.2024.*

*In the meanwhile, petitioner be released on interim bail in the present case, till the next date of hearing, on furnishing adequate bail and surety bonds subject to the satisfaction of learned trial Court/CJM/Duty Magistrate concerned.”*

(7) It is not in dispute that after completion of investigation, report under Section 173 Cr.P.C. has already been presented on 04.12.2023; charges have been framed on the same day i.e. 04.12.2023 but out of ten (10) prosecution witnesses, none has been examined; thus, conclusion of trial is likely to take sufficient long time.

(8) Learned State Counsel has duly acknowledged that petitioner is regularly appearing before learned Special Court and there is no allegation that in case interim bail is made absolute, he is likely to misuse the concession or hamper the proceedings in any manner. As a result thereof, sending the petitioner to custody at this stage would not serve any purpose.

(9) Consequently, present petition is allowed. Interim bail granted to the petitioner, vide order dated 24.09.2024, is made absolute. He shall be admitted to bail on furnishing bail/surety bonds to the



satisfaction of learned Special Court/Chief Judicial Magistrate/Duty Magistrate concerned.

(10) Petitioner shall appear on each & every date of hearing and to fully co-operate with learned Special Court without seeking any unnecessary adjournment(s).

(11) The above observations be not construed as an expression of opinion on the merits of the case.

(12) It is clarified that in case there is any misuse of concession of bail on the part of petitioner, State would be at liberty to move an appropriate application for recalling of this order.

(13) Disposed off accordingly.

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

**07.07.2025**

*kavneet singh*

**(MAHABIR SINGH SINDHU)**

**JUDGE**

Whether speaking/reasoned Yes/No

Whether reportable Yes/No