



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

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**CRM-M-60583-2025
Decided on : 23.04.2026**

Qayum Khan @ Kayum Khan @ Rinku . . . Petitioner(s)

Versus

State of Punjab . . . Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. Karan Singla, Advocate
for the petitioner(s).

Mr. Neeraj Madaan, Sr. 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 here-under:-

Name of Petitioner(s)	FIR No.	Date	Section(s)	Police Station	District
Qayum Khan @ Kayum Khan @ Rinku	0033	09.03.2025	S. 20, 27(a) of NDPS Act, 1985	Division 1	Pathankot

2. As per the case of the prosecution, while the police party was on patrolling duty, the petitioner Qayum Khan @ Kayum Khan @ Rinku and his co-accused Liaquat Ali @ Liyakat Ali @ Jazzy B were intercepted on suspicion and subjected to search.

During the search, 110 grams of Charas along with Rs.2,000/- alleged drug money was recovered from co-accused Liaquat Ali @ Liyakat Ali @ Jazzy B. Further, from the bag being carried on the shoulder of the



present petitioner, recovery of 1.22 kilograms of Charas along with Rs.4,000/- alleged drug money was effected.

3. Learned counsel for the petitioner submits that the recovered quantity is only marginally above the threshold of non-commercial quantity (less than 1 kilogram) and, therefore, it would be a matter for the learned trial Court to determine whether the prescribed procedure for weighing the contraband was duly followed or not.

It is further submitted that the petitioner is inside the jail for the last more than a period of 01 year and 01 month. Besides, out of the total cited 12 prosecution witnesses, only 02 witnesses have been examined so far.

4. Learned counsel for the petitioner further submits that co-accused Liaquat Ali @ Liyakat Ali @ Jazzy B has already been granted concession of regular bail by this Court vide order dated 17.09.2025, passed in CRM-M-23358-2025 (O&M), titled as *“Liaquat Ali @ Liyakat Ali @ Jazzy B v. State of Punjab”* (P-5). Accordingly, on the ground of parity as well, prayer has been made for grant of regular bail to the petitioner.

5. On the other hand, learned State counsel has produced the custody certificate dated 22.04.2026 in Court today, which is taken on record. Office is directed to tag the same at the appropriate place.

A copy thereof has been handed over to learned counsel for the petitioner.

6. Learned State counsel, while opposing the prayer for bail, submits that since the quantity of Charas recovered from the petitioner is more than 1 kilogram, the same falls within the category of commercial



quantity. Therefore, keeping in view the nature of allegations and gravity of the offence, the petitioner does not deserve any leniency.

It is further submitted that the petitioner is involved in two other criminal cases, including one under the NDPS Act.

7. Faced with this, learned counsel for the petitioner submits that in both the cases reflected in the custody certificate, i.e., (i) FIR No.22 dated 01.01.2019 under Sections 8/20/60 of the NDPS Act, registered at Police Station NCB, Chandigarh, and (ii) FIR No.127 dated 27.06.2019 under Sections 307/436/353/427/332/186/224/148/149 IPC, registered at Police Station Division No.7 (Vardhman), District Ludhiana, the petitioner is already on bail. Therefore, he cannot be denied the concession of bail on that ground alone.

8. I have heard learned counsel for the parties and perused the relevant material available on record with their able assistance.

9. This Court is conscious of the fact that the recovery attributed to the petitioner falls within the category of commercial quantity and, therefore, the rigours of Section 37 of the NDPS Act are required to be kept in view.

At the same time, it is a matter of record that the petitioner has remained inside the jail for a period of 01 year, 01 month and 10 days (as per custody certificate) up-till 22.04.2026. Out of the total cited 12 prosecution witnesses, only 02 witnesses have been examined so far. Thus, conclusion of trial is likely to take considerable time.

It has further been brought to the notice of this Court that co-accused – Liaquat Ali @ Liyakat Ali @ Jazzy B has already been granted



concession of regular bail by this Court vide order dated 17.09.2025 (P-5). Though the role attributed to the present petitioner may be distinct, yet the said circumstance is also a relevant factor for consideration at this stage.

So far as the other criminal cases are concerned, it has been stated that the petitioner is already on bail therein. Mere involvement in other cases, by itself, cannot be made the sole ground to deny concession of bail in the present case.

10. In view of the totality of these circumstances, and the nature allegations leveled against the petitioner, including the factors noticed here-above, this Court deems it appropriate to grant the concession of bail to the petitioner, so as to afford the petitioner an opportunity to reform and reintegrate himself in the society.

Accordingly, without commenting upon the merits of the case, 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.

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

12. The observation made here-in-above 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.

13. It is further made clear that if, in future, petitioner is directly



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found indulged in similar kind of activities, this order shall be deemed to be cancelled.

14. **Petition stands disposed of accordingly.**

Pending misc. application(s), if any, also stand(s) disposed of.

(SANJAY VASHISTH)
JUDGE

April 23, 2026

J.Ram

Whether speaking/reasoned: *Yes/No*

Whether Reportable: *Yes/No*