



CRM-M-30882-2025

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

217

CRM-M-30882-2025 (O & M)

Date of decision: 27.11.2025

KAMALJIT @ GOLA

....Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Lakhwinder Singh Lakhanpal, Advocate,
for the petitioner.

Mr. Manipal Singh Atwal, DAG, Punjab.

AMAN CHAUDHARY, J. (ORAL)

1. Prayer in the present petition filed under Section 483 of BNSS is for grant of regular bail to the petitioner in case FIR No.38 dated 14.02.2023, registered at Police Station City South Moga, District Moga, under Section 302 IPC (Sections 120-B IPC and Section 27 NDPS Act, 1985 added later on).

2. Learned counsel contends that the petitioner has been in custody for 2 years, 9 months and 4 days. He alleges false implication. His name surfaced on the disclosure statement of co-accused Rohit Sharma, against whom there are allegations of having administered poisonous substance to his wife-Monika. Neither any role nor any motive has been attributed to the petitioner, but for the allegations of having provided the same to the aforesaid co-accused. Charges have been framed

CRM-M-30882-2025

on 15.07.2023, material witnesses, including the complainant, stand examined out of 17. He is involved in 3 more cases under the NDPS Act wherein he is on bail. Reliance is placed on the judgment passed by Hon'ble The Supreme Court titled as **Maulana Mohd. Amir Rashadi vs. State of U.P. and others**, 2012(2) SCC 382.

3. The custody certificate dated 24.11.2025, filed by the learned State counsel is taken on record. As per the same, the petitioner is behind bars for 2 years, 9 months and 4 days.

4. Learned State counsel opposes the bail on the ground that the poisonous substance administered by the co-accused to his wife was supplied to the petitioner and he is a habitual offender. However, he is unable to controvert the submissions with regard to stage of the case and the petitioner being on bail in other cases.

5. Heard.

6. Hon'ble The Supreme Court in the case of **Maulana Mohd. Amir Rashadi** (Supra) had held that, "As observed by the High Court, merely on the basis of criminal antecedents, the claim of the second respondent cannot be rejected. In other words, it is the duty of the Court to find out the role of the accused in the case in which he has been charged and other circumstances such as possibility of fleeing away from the jurisdiction of the Court, etc." Reiterating in **Prabhakar Tewari vs. State of UP and another**, (2020) 11 SCC 648, it was observed that, "The offence alleged no doubt is grave and serious and there are several

CRM-M-30882-2025

criminal cases pending against the accused. These factors by themselves cannot be the basis for refusal of prayer for bail.”

7. Considering the facts and circumstances of the case, in particular that the petitioner is in custody for the last 2 years, 9 months and 4 days; on bail in other cases; the material witnesses though have been examined, however there are still 5 more to go; the trial is likely to take a considerable time and further incarceration of the petitioner would be violative of his right enshrined under Article 21 of the Constitution of India, the present petition is allowed.

8. The petitioner is ordered to be released on regular bail, subject to furnishing bail/surety bonds to the satisfaction of trial Court/Duty Magistrate concerned, if not required in any other case and shall abide by the following conditions:-

- (i) The petitioner will not tamper with the evidence during the trial.
- (ii) The petitioner will not pressurize/ intimidate the prosecution witnesses.
- (iii) The petitioner will appear before the trial Court on each and every date fixed, unless is exempted by a specific order of Court.
- (iv) The petitioner shall not commit an offence similar to the offence of which, he is an accused, or for commission of which he is suspected of.
- (v) The petitioner shall not directly or indirectly coerce, induce, threaten or promise to any person acquainted with the facts of the case so as to dissuade him/ her from disclosing such facts to the Court or to any police officer or tamper with the evidence in any manner.
- (vi) The petitioner shall not in any manner misuse his liberty.
- (vii) The petitioner shall furnish his address and mobile number by way of an affidavit to the trial

CRM-M-30882-2025

Court and not change the same till conclusion of trial and if for any reasons, he seeks to change either of the aforesaid, it shall be done only with prior information to the learned trial Court.

(viii) The petitioner shall not leave the country without prior permission of the trial Court.

(ix) The trial Court/Duty Magistrate may impose any other condition, as deemed appropriate while releasing the petitioner.

9. It is made abundantly clear that in case there is any breach of the aforesaid conditions, the State shall be at liberty to seek cancellation of bail as granted to the petitioner by this order.

10. In view of the above, it is clarified that the observations made herein above are limited for the purpose of present proceedings and would not be construed as any opinion on the merits of the case and the trial would proceed independently of the aforesaid observations.

27.11.2025

parveen kumar

(AMAN CHAUDHARY)
JUDGE

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No