



CRM-M-33160-2025

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

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CRM-M-33160-2025 (O & M)

Date of decision: 02.09.2025

MOHAMAD ASHRAIF KHAN

....Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. P.K.S.Phoolka, 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, 2023, is for grant of regular bail to the petitioner in case FIR No.09 dated 20.03.2024, registered at Police Station Vigilance Bureau, Bathinda Range, District Bathinda, under Sections 7 of P.C. Act, 1988, as amended by P.C. (amendment) Act, 2018 and Sections 380, 381, 465, 466, 467 and 120-B IPC, added later on vide rapat dated 28.04.2025.

2. Learned counsel contends that the petitioner has been in custody for about 4 months. The allegations with regard to the PC Act are against co-accused Laiq Ahmad, who has since been granted regular bail by the trial Court after 35 days of custody on 24.04.2024, whereafter

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certain sections of IPC having been added vide DDR dated 28.04.2025, this Court vide order dated 28.05.2025, Annexure P-4 had stayed his arrest and directed him to join investigation in the additional sections. The petitioner alleges false implication in the case. Challan has been presented on 27.07.2025, however, charges have not been framed. In all, there are 19 prosecution witnesses. He is not involved in any other case.

3. The custody certificate dated 02.09.2025, filed by the learned State counsel is taken on record. As per the same, the petitioner is behind bars for 4 months.

4. Learned State counsel opposes the bail on the ground that there are specific allegations against the petitioner, who was seen in the CCTV camera trying to tamper with the receipt books. However, he is unable to controvert the submissions with regard to stage of the case; and the petitioner being not involved in any other case.

5. Heard.

6. Considering the facts and circumstances of the case, in particular that the petitioner is in custody for the last 4 months; not involved in any other case; challan stands presented, however, charges are yet to be framed; in all there are 19 prosecution witnesses; the trial is likely to take a considerable time; his further incarceration would be violative of his right enshrined under Article 21 of the Constitution of India, the present petition is allowed.

7. The petitioner is ordered to be released on regular bail, subject to furnishing bail/surety bonds to the satisfaction of trial

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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 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.

8. 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.

9. In view of the above, it is clarified that the observations made herein above are limited for the purpose of present proceedings and

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would not be construed as any opinion on the merits of the case and the trial would proceed independently of the aforesaid observations.

02.09.2025

parveen kumar

(AMAN CHAUDHARY)
JUDGE

Whether speaking/reasoned : Yes / No
Whether reportable : Yes / No