



CRM-M-48898-2025

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

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CRM-M-48898-2025 (O & M)
Date of decision: 22.09.2025

PAWAN KUMAR ALIAS SAMMA ALIAS SAMAY

....Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Sahil Parmar, Advocate and
Mr. Harpal Singh Parmar, Advocate,
for the petitioner.

Mr. M.S.Bajwa, 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.69 dated 12.03.2025, registered at Police Station Sadar Kharar, District SAS Nagar, under Sections 22, 29, 61 and 85 NDPS Act.

2. Learned counsel contends that the petitioner has been in custody for 4 months and 5 days and his name surfaced based on the disclosure statement of co-accused, Ajay, who is still in custody. The recovery effected from the petitioner is 19.76 grams of Alprazolam, it being non-commercial quantity. He was arrested 3 months after lodging of the FIR. He is though involved in two more cases, but not under NDPS Act, wherein he is on bail. Charges stand framed on 12.08.2025, however,

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none out of 15 witnesses has been examined so far. 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. Learned State counsel opposes the bail on the ground that pursuant to the disclosure statement of the petitioner, recovery has been effected from him. However, he is unable to controvert the submissions with regard to stage of the case; custody period of the petitioner and he being not involved in any other case under the NDPS Act.

4. Heard.

5. 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."

6. Considering the facts and circumstances of the case, in particular that the petitioner is in custody for the last 4 months and 5 days; on bail in other cases registered under IPC; charges have been framed on 12.08.2025, however, out of 15 witnesses, none has been examined yet; 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.

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7. 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 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.

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9. 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.

22.09.2025

parveen kumar

(AMAN CHAUDHARY)
JUDGE

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No