



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CRM-M-61418-2023 (O&M)
Date of decision: 06.11.2025

Naveen Bhatia

....Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Vipul Aggarwal, Advocate for the petitioner

Ms. Gagandeep Kaur, DAG Punjab

AMAN CHAUDHARY, J. (ORAL)

1. Prayer in the present petition filed under Section 439 Cr.P.C./483 BNSS is for grant of regular bail to the petitioner in case FIR No.156 dated 02.09.2023, registered under Sections 21(c), 29, 25, 27(A) of NDPS Act No.61 of 1985 and Section 25 of Arms Act at Police Station Sadar, Tarn Taran.
2. Learned counsel contends that the petitioner had been in custody for 2 months and 9 days. His name surfaced based on the disclosure statement of co-accused Shashank @ Akash. He was granted interim bail vide order dated 05.01.2024 by passing the following order:

“In compliance of the previous order dated 22.12.2023, learned State counsel has filed medical status report of the petitioner by way of an affidavit of Gurcharan Singh Dhaliwal, Superintendent Central Jail, Shri Goindwal Sahib, which is taken on record subject to all just exceptions and a copy thereof supplied to the counsel opposite.

Learned State counsel, while drawing the attention of this Court to the affidavit, has apprised the Court that the applicant is a known case of Type-2 Diabetes Mellitus, Hypertension and Metastatic Carcinoma - Renal Cell (Clear Cell Carcinoma), for which Left Nephrectomy was done in the year 2016, and now the Renal Cell Carcinoma is in Metastatic



state with Metastatic Nodules present in both lungs and Vertebral Column (Lumbar Spine) causing Lumbosacral Radiculopathy resulting in continuous numbness, paresis and acute shooting pain in the lower back and left lower limb of the petitioner, due to which he is unable to walk and is on a wheel chair. On further instructions, he submits that the applicant/petitioner is involved in three other criminal cases under the NDPS Act, however, he is on bail in all the three cases.

In the facts and circumstances as enumerated hereinabove, since the medical condition of the applicant is not improving and is indeed serious, the application is allowed and the applicant/petitioner is ordered to be released on interim bail for a period of three months with effect from 06.01.2024, subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned. The applicant shall surrender before the Superintendent, Central Jail, Shri Goindwal Sahib on 06.04.2024 by 5.00 p.m.

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Adjourned to 09.04.2024.”

3. The same was extended vide orders dated 05.01.2024, 23.10.2024, 03.12.2024, 04.03.2025, 28.05.2025, 18.09.2025 and 30.09.2025. He has never misused the concession of interim bail so granted or threatened the witnesses. Charges have been framed on 04.10.2024, however, out of 23 prosecution witnesses, only 4 have been examined. The petitioner is involved in 1 more case, 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.

4. Affidavit along with custody certificate dated 05.11.2025, filed by the learned State counsel is taken on record. As per the same, the petitioner was behind bars for 2 months and 9 days.

5. Learned State counsel opposes the bail on the ground that there are serious allegations against the petitioner. However, on instructions submits that there is no complaint against the petitioner with regard to misusing the liberty



granted by this Court and is unable to controvert the submissions with regard to stage and he being on bail in other case.

6. Heard.

7. 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."

8. Considering the facts and circumstances of the case, in particular that the petitioner had remained in custody for 2 months and 9 days; on interim bail for the last 1 year and more than 10 months; on bail in other case; charges were framed wayback on 04.10.2024, however, 19 more prosecution witnesses still remain to be examined, the trial is likely to take a considerable time, 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.

9. 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.

10. 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.

11. 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.

(AMAN CHAUDHARY)
JUDGE

06.11.2025
M.Kamra

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