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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CRM-M-66152-2025 (O&M)
Date of decision: 03.12.2025

Sadik @ Lallu

....Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Kamal Nagpal, Advocate, for the petitioner
Mr. Gautam Kaile, DAG Haryana

AMAN CHAUDHARY, J. (ORAL)

1. Prayer in the present petition filed under Section 483 BNSS is for grant of regular bail to the petitioner in case FIR No.738 dated 14.11.2024, registered under Sections 21 of NDPS Act (Section 29, 61, 85 of NDPS Act added later on) at Police Station Krishna Gate, Thanesar, Kuruksheta.
2. Learned counsel contends that the petitioner, 21 year old, has been in custody for 11 months and 10 days. He alleges false implication in the present case. His name surfaced based on the disclosure statement of co-accused Rajesh Kumar, who has been granted bail vide order dated 03.11.2025, Annexure P-5, and the alleged recovery of non-commercial quantity of contraband, it being 277.74 grams of heroin was effected from the house of co-accused Santosh, who has been granted bail vide order dated 16.10.2025, Annexure P-4, after being in custody since 15.11.2024. No recovery was effected from the petitioner. Charges have been framed on 27.08.2025, however out of 18 PWs, none has been examined. He is involved in two more cases under the NDPS Act, one of which is in the same police station, 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.



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3. Learned State counsel opposes the bail on the ground that there are specific allegations levelled against him by the co-accused. However, the recovery has been effected from the house of co-accused. However, he is unable to controvert the submissions with regard to stage of the trial and regarding being on bail in other case as also the co-accused.

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 11 months and 10 days; co-accused are on bail; is on bail in other cases; charges have been framed on 27.08.2025; in all 18 prosecution witnesses, but none has been examined as of now, 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.

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.

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.

(AMAN CHAUDHARY)
JUDGE

03.12.2025

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