

2026.PHHC.031425



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

212

CRM-M-6246-2026 (O&M)

Date of decision: 26.02.2026

Ashu Arora

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Ms. Kamlesh, Advocate for the petitioner.

Mr. Jasjit Singh, DAG, Punjab.

AMAN CHAUDHARY, J. (Oral)

1. The present petition filed under Section 483 of BNSS 2023 for grant of regular bail to the petitioner in case FIR No.49 dated 17.01.2024, registered under Sections 52-A(1) of the Prison Act, Section 21/61/85 of NDPS Act, Sections 120-B, 34 IPC, later on added Sections 7, 13 of the Prevention of Corruption Act, 1988 as amended vide Prevention of Corruption (Amendment) Act, 2018, deleted Section 21/61/85 of NDPS Act and added 29/61/85 of NDPS Act, at Police Station Division No.7, Ludhiana.

2. Learned counsel contends that the petitioner has been in custody for 1 year, 8 months and 9 days. She alleges false implication. Co-accused Mukhtiar Singh along with other 10 co-accused have been granted bail after being in custody for similar period and few less than him, orders whereof have been appended as Annexure P2. No recovery has been effected from the petitioner, a fact mentioned in para 5 of the petition. Charges have been framed on 22.08.2025 and only 2, out of 24 PWs, have been examined. He is involved in two more cases, in one of which, he has already undergone the sentence. 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 25.02.2026, filed by the learned State counsel is taken on record. As per the same, the petitioner is behind bars for 1 year, 8 months & 9 days.

4. Learned State counsel opposes the bail on the ground that the petitioner was specifically named in the FIR along with the other co-accused for supplying the contraband to the inmates of the jail. However, he is unable to controvert the submissions with regard to stage, co-accused having been enlarged on bail and undergone the sentence in one case.

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."

7. Considering the facts and circumstances of the case, in particular that the petitioner is in custody for last 1 year, 8 months and 9 days; co-accused are on bail; charges were framed on 22.08.2025 and out of 24 PWs, only 2, have been 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.

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 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.

26.02.2026
ashok

(AMAN CHAUDHARY)
JUDGE

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