

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****CRM-M-14759-2025****Date of decision: 17.02.2026**

Rishipal @ Ajay

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MS. JUSTICE AARADHNA SAWHNEY

Present: Mr. P.S. Sekhon, Sr. Advocate with
Mr. Rajdeep Singh Gill, Advocate for the petitioner.
Mr. Vikram Singh, AAG, Haryana.

AARADHNA SAWHNEY, J (ORAL)

1. Petitioner, an accused in case FIR No.0052 dated 31.01.2024 of offence punishable under Sections 22(C) of NDPS Act (Section 29 of NDPS Act added later on) registered at P.S Kaithal City, District Kaithal, has prayed for grant of regular bail.

2. Relevant facts as emerging from documents on record be noticed hereinbelow:-

On 30.01.2024, police team headed by Assistant Sub Inspector Gurdan Singh were present at Dogra Gate, Kaithal in connection with patrolling duty on government vehicle when they received a secret information that Rishipal @ Ajay (petitioner) son of Rai Singh was illegally selling intoxicant tablets and injections to young boys of nearby areas. Informant further disclosed that even today, Rishipal would be visiting outskirts of Kaithal on his motorcycle and would be carrying huge quantity of tablets. If a nakabandi is held, he can be apprehended red handed. On finding the information credible, a notice under Section 42 of NDPS Act was sent to the SHO concerned. Other members of the police team reached at the disclosed spot. After some time, they saw a person approaching

them on motorcycle who on seeing the police party tried to flee away but was

- i) a plastic bottle containing intoxicating mixture weighing 800 ml;
- ii) an empty bottle having label of Phenilamine maleate injection;
- iii) 60 tablets of Buprenorphine/Naloxone weighing 6.6 grams;
- iv) 60 tablets of Tramadol weighing 22.8 gms;
- v) 130 tablets Alprazolam weighing 15.6 gms;

Petitioner who was arrested on 30.01.2024 filed an application for grant of bail before the learned Special Judge, Kaithal. Same came to be dismissed vide order dated 09.10.2024. Aggrieved of which present petition has been filed.

With respect to the case proceedings. It is further the submission of learned counsel



that two other co-accused, namely, Pavittar Singh and Gurpreet Singh @ Guri have already been granted the concession of bail by this Court on 23.08.2024 and 04.10.2024 vide Annexures P.5 and P.6 respectively, thus similar treatment be meted out to the present petitioner, who has been in custody since 30.01.2024.

4. Per contra, while opposing the prayer for grant of bail, learned State counsel contends that the petitioner was caught red handed at the site keeping in his possession huge quantity of contraband. That apart, he already stands convicted in case FIR No.72 dated 02.03.2013 under Sections 489-A/489-B/489-C/489-D/489-E IPC registered at P.S City Kaithal and is facing trial in another case bearing FIR No.444 dated 05.08.2021, U/s 323,342, 34 IPC registered at P.S Pundri and is facing trial in another case. If extended the concession of bail, likelihood of him (petitioner) fleeing from the process of justice and committing another offence cannot be ruled out.

5. I have heard the learned counsel for the parties and have gone through the documents on record.

6. Before proceeding to discuss the rival contentions, it would be appropriate to refer to judgment of Hon'ble Supreme Court wherein case titled as **Chitta Bishwas @ Shubash Vs. State of West Bengal Law Finder Doc Id# 1938935**, considering the duration of custody and progress in trial, Hon'ble Supreme Court granted bail to an accused/appellant who was found in possession of 46 bottles of PHENSYDRYL Cough Syrup containing codeine mixture above commercial quantity.

In **Md Aliul Islam @ Aliul Islam @ Aliul Vs. State of West Bengal Law Finder Doc Id# 2734487**, Hon'ble Supreme Court granted bail to an accused, involved in a case under Section 21(c)/27A of NDPS, considering custody period and similarity with other accused, whose bail had been allowed.

Similarly in **Devrata Mondal Vs. State of West Bengal Law Doc Finder Id # 2734476**, on the ground of prolonged custody and parity with other



accused, co-accused Davrata, who was allegedly caught keeping in his possession 290 bottles of PHENSYDRYL Cough Syrup (Commercial quantity) was granted the concession of bail by the Hon'ble Supreme Court.

In **Santarul Islam Vs. State of West Bengal**, Law Finder Doc Id# **2735329**, Hon'ble Supreme Court granted bail to the petitioner who was also caught keeping in his illegal possession of PHENSYDRYL Cough Syrup (on the ground of prolonged custody and nature of contraband).

In **Maulana Mohd Amir Rashadi vs. State of U.P and another**, **2012(1) RCR (Criminal) 586**, Hon'ble Supreme Court upheld the order of the High Court in granting bail to the second respondent/accused on the ground that he had been in custody for a long period and the possibility of the trial being conducted in the near future was remote.

Having gone through the aforesaid judgments, it is clear that Constitutional liberty must override the statutory embargo. Guided solely by the said principle and considering that the possibility of completion of trial in near future is quite remote, for out of 16 cited prosecution witnesses, none has been examined till date. In view of aforesaid facts and considering that petitioner has been in custody since 31.01.2024, this Court is of the opinion that in the facts and circumstances as mentioned hereinabove, further incarceration of petitioner in custody would not serve any purpose. Resultantly, petitioner is granted the concession of bail subject to his furnishing bail/surety bonds to the satisfaction of learned trial Court/CJM/Duty Magistrate concerned. The petitioner shall abide by the following conditions:-

- (i) The petitioner shall not leave the country without prior permission of the trial Court and shall deposit the passport in the trial Court.
- (ii) The petitioner will not tamper with the evidence during the trial.
- (iii) The petitioner will not pressurize/ intimidate the prosecution witnesses.
- (iv) The petitioner will appear before the trial Court on each and every date fixed,



unless is exempted by a specific order of Court.

(v) 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.

(vi) 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.

(vii) The petitioner shall not in any manner misuse his liberty.

(viii) The petitioner shall furnish his address and mobile number to the Trial Court forthwith and shall not change the same till the conclusion of the trial and in case for any reason, the petitioner seeks to change any of the aforesaid, the same shall be done only with prior intimation to the learned Trial Court, stating the reason for the same.

(ix) The trial Court/Duty Magistrate may impose any other condition, as deemed appropriate while releasing the petitioner.

7. Accordingly, the present petition is allowed and it is made 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.

In view of the above, it is clarified that the observations made herein are limited for the purpose of present proceedings and would not be construed as an opinion on the merits of the case and the trial would proceed independently of the aforesaid observations.

17.02.2026
manoj

(AARADHNA SAWHNEY)
JUDGE

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No