

2026.PHHC.021794



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

116-A

CRM-M-20303-2025 (O & M)

Date of decision: 12.02.2026

RAJESH CHAWLA

....Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Ms. Honey Passi, 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. is for grant of regular bail to the petitioner in case FIR No.344 dated 13.07.2020, registered under Section 22 of the NDPS Act and later on added Section 25/29 of the NDPS Act and Section 7/13 of Prevention of Corruption Act, 1988 and Section 465/467/468/471/120-B IPC, at Police Station City Barnala, District Barnala.
2. Learned counsel contends that the petitioner after being in custody for 7 months and 23 days, was granted interim bail by the Co-ordinate Bench vide order dated 22.05.2025, during the period, he neither misused the concession nor threatened the witnesses. She alleges false implication. Charges stand framed on 13.01.2026, however, none, out of 17 PWs, has been examined and the next date of hearing before the trial Court is 20.02.2026. He has been convicted in another case. Reliance is placed on the judgment passed by Hon'ble The Supreme Court titled as

CRM-M-20303-2025

Maulana Mohd. Amir Rashadi vs. State of U.P. and others, 2012(2) SCC 382.

3. Learned State counsel though opposes, however, on instructions, affirms that there is no complaint with regard to misusing the liberty granted by this Court, besides the submissions with regard to stage of the case.

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 had remained in custody for 7 months and 23 days; on interim bail since 22.05.2025; has not misused the aforesaid concession; charges have been framed on 13.01.2026, however, out of 17 PWs, none has been examined; 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.

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.

12.02.2026

ashok

(AMAN CHAUDHARY)
JUDGE

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