

2026.PHHC.061114



CRM-M-20607-2026

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

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CRM-M-20607-2026 (O & M)

Date of decision: 22.04.2026

AJAY KOCHHAR

....Petitioner

Versus

STATE OF PUNJAB

...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Navkiran Singh, Advocate,
for the petitioner.

Mr. Manipal Singh Atwal, DAG, Punjab.

AMAN CHAUDHARY, J. (ORAL)

1. The present petition has been filed under Section 483 of BNSS, 2023 for the grant of regular bail to the petitioner in case FIR No.154 dated 10.07.2025, registered under Sections 22, 29, 61, 85 of NDPS Act & 223 BNS (Section 188 IPC), at Police Station City Phagwara, District Kapurthala.

2. Learned counsel contends that the petitioner has been in custody for about 6 months. He alleges false implication. His name surfaced based on disclosure statement of co-accused Pardeep Kumar, who was indicted on the said statement and has since been granted regular bail vide order, Annexure P-5, so has co-accused Vishal Sharma on 14.01.2026, Annexure P-4. There is no recovery effected from the

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petitioner and no evidence has also emerged to connect him to the case, but for the aforesaid disclosure statement, which is inadmissible in the eyes of law as per the judgment passed by Hon'ble the Supreme Court in the case of **Tofan Singh vs. State of Tamil Nadu**, 2021(1) RCR (Crl.) 1. Charges have been framed on 12.01.2026, however none out of 17 PWs has been examined. He is involved in 1 more case under the NDPS Act, 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.

3. The custody certificate dated 22.04.2026 has been filed by learned State counsel, as per which the petitioner is behind bars for the last 5 months and 29 days.

4. Learned State counsel opposes the bail on the ground that there are specific allegations against the petitioner by the co-accused and commercial quantity of contraband was recovered in the present case. He is, however, unable to controvert the submissions with regard to stage of the trial; the petitioner being on bail in another case and the co-accused having been enlarged on bail.

5. Heard.

6. Considering the facts and circumstances of the case, in particular that the petitioner is in custody for the last 5 months and 29 days; on bail in another case; co-accused are on bail; charges stand framed on 12.01.2026; prosecution evidence has to commence; in all there are 17 PWs; trial is likely to take a considerable time and thus his further

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incarceration would not serve any useful purpose, the present petition for grant of regular bail deserves to be allowed.

7. As a result, the present petition is allowed. The petitioner is ordered to be released on regular bail, subject to his furnishing bail/surety bonds to the satisfaction of trial Court/Duty Magistrate concerned and subject to his not being required in any other case. The petitioner 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 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.
- (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.

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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 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.

22.04.2026

parveen kumar

(AMAN CHAUDHARY)
JUDGE

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No