

2026.PHHC.062810



CRM-M-21451-2026

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

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CRM-M-21451-2026 (O & M)

Date of decision: 24.04.2026

VISHAL SABHARWAL

....Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Yashpal Thakur, Advocate,
for the petitioner.

Mr. Jasjit Singh, DAG, Punjab.

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.98 dated 09.09.2024, registered under Sections 310(4), 310(5), 111, 61(2) BNS, Sections 25, 25(6), 25(7), 25(8), 25(1B) of the Arms Act and Sections 22(c), 25 & 29 of NDPS Act, registered at Police Station City Nakodar, District Jalandhar.

2. Learned counsel contends that the petitioner has been in custody for 1 year and more than 7 months. The alleged recovery from the petitioner is only of 3 pistols and with regard to the alleged recovery of 102 grams of etizolam, conscious possession of which is debatable inasmuch as the same was lying under the driver seat and he was not

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driver of the vehicle. Co-accused Rupesh Kumar, Karan Sabharwal and Jaskaran Singh @ Jassa have since been granted bail vide orders dated 16.11.2024 and 17.02.2026. Charges have been framed on 22.04.2025 and only 3, out of 17 PWs, have been examined. He is not involved in any other case under the NDPS Act, though 1 of IPC 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 23.04.2026, filed by the learned State counsel is taken on record. As per the same, the petitioner is behind bars for 1 year, 7 months and 5 days.

4. Learned State counsel opposes the bail on the ground that from the vehicle of which the petitioner was a passenger, commercial quantity of contraband was recovered but from him 3 pistols. However, he is unable to controvert the submissions with regard to stage, co-accused having been granted bail and the petitioner being on bail in another 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."

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7. In **Munasi Masih vs. State of Punjab**, CRM-M-31504-2022, on 06.2.2023, wherein commercial quantity of contraband had been recovered but only 2 out of 13 PWs had been examined, allowed bail.

8. Considering the facts and circumstances of the case, in particular that the petitioner is in custody for the last 1 year, 7 months and 5 days; on bail in another case; co-accused are on bail; charges were framed on 22.04.2025, however, out of 17 PWs, only 3 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 and the rigors of Section 37 of the NDPS Act can be diluted bearing in mind the right to a speedy trial, the present petition is allowed.

9. 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

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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.

10. 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.

11. 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.

24.04.2026

parveen kumar

(AMAN CHAUDHARY)
JUDGE

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