

2026.PHHC.022240



CRM-M-44910-2024

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

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CRM-M-44910-2024 (O & M)

Date of decision: 12.02.2026

RAKESH BANSAL

....Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Vinod Ghai, Sr. Advocate and  
Mr. Gautam Dutt, Sr. Advocate with  
Mr. Arnav Ghai, Mr. Sukrit Chadha and  
Mr. Karan Pathak, Advocates, 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 Sections 22, 25 and 29 NDPS Act, and Section 7/13 of Prevention of Corruption Act, 2018 and Section 465/467/468/470/471/120-B IPC, at Police Station City Barnala, District Barnala.

2. Learned Senior Counsel contends that the petitioner after being in custody for 10 months, was granted interim bail by the Co-ordinate Bench vide order dated 09.12.2024, during the period, he neither misused the concession nor threatened the witnesses. He alleges false

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implication. Charges stand framed on 11.12.2024, however, 4 PWs, out of 22, have been examined. He is involved in 2 cases under the Drugs and Cosmetics Act in one of which reply after having received notice has been submitted. 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. Learned State counsel though opposes, however, on instructions, affirms that there is no complaint with regard to misusing the concession granted by this Court, besides the submissions with regard to stage of the case and the petitioner being acquitted/innocent in 2 cases.

4. Heard.

5. The order dated 09.12.2024 passed by the Coordinate Bench reads thus:

“Custody certificate as well as reply by way of an affidavit of Deputy Superintendent of Police, Sub-Division, Barnala, District Barnala have been filed on behalf of the respondent-State in Court today and the same are taken on record.

The FIR in the present case was registered on 13.07.2020, whereas the petitioner was arrested in the present case on 09.02.2024, after a long delay. This clearly shows that the Investigating Officer in the present case was highly negligent in conducting the investigation in the present case. Apart from that, during the course of arguments, learned senior counsel for the petitioner submits that the police had never visited the factory, which was owned by the present petitioner and he has been involved in the present case after a long and unexplained delay, without any incriminating evidence against him.

The Senior Superintendent of Police, Barnala is directed to examine the investigation file of the present case and shall file his personal affidavit mentioning the evidence

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collected against the petitioner and the reasons for not arresting the petitioner for more than three years.

The Senior Superintendent of Police, Barnala is also directed to file a list of all the cases registered in different police stations, where the accused have not been arrested for the last more than three years. He shall also provide a list of accused, which are yet to be arrested in such cases. He shall also mention as to whether any steps have been taken by the police to get such accused declared proclaimed offender and whether any steps have been taken by the Investigating Officer in such cases, to attach their properties.

List on 05.12.2024.

In case, the affidavit is not filed on or before the next date of hearing, the concerned SSP shall remain personally present in the Court.”

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 10 months; on interim bail since 09.12.2024, which he never misused; charges have been framed on 11.12.2024, however, out of 22 PWs, only 4 have 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.

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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.

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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

parveen kumar

**(AMAN CHAUDHARY)**  
**JUDGE**

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