



CRM-M-58065-2025 (O&M) and
CRM-M-64486-2025 (O&M)

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

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CRM-M-58065-2025 (O&M)
Date of decision:20.01.2026

Ajay Kumar @ Aju

...Petitioner

Versus

State of Punjab

...Respondent

2)
Abhishek

CRM-M-64486-2025 (O&M)

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Jasdev Singh Mehndiratta, Sr. Advocate, with
Ms. Jyotnoor Kaur Sethi, Advocate,
for the petitioner in CRM-M-58065-2025.

Mr. P. S. Punia, Advocate,
for the petitioner in CRM-M-64486-2025.

Mr. Manipal Singh Atwal, DAG, Punjab.

AMAN CHAUDHARY. J.

1. Prayer in both these present petitions filed under Section 483 Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 is for grant of regular bail to the petitioners in case FIR No.83 dated 01.04.2025, registered under Sections 15, 18, 20, 21, 27 and 29 of NDPS Act at Police Station Anti-Narcotics Force (ANTF), Sector 79, SAS Nagar (report under Section 193 BNSS has been presented under Sections 15, 18, 21, 29, 20 and 27 of the NDPS Act and Sections 318, 338, 340 and 317(2) of BNS, 2023.



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2. Learned counsel contend that petitioner Ajay Kumar @ Ajju has been in custody for 08 months and 13 days. His name surfaced based on the disclosure statement of the co-accused Dharminder Singh @ Ghoda from whom commercial quantity of contraband was recovered, while petitioner Abhishek was nominated by the aforesaid petitioner Ajay Kumar @ Ajju and has been in custody for about 7 months. No recovery has been effected from them. Challan has been presented on 16.09.2025, however, charges have yet not been framed and in all there are 36 prosecution witnesses. Petitioner Ajay Kumar @ Ajju is involved in one more case under the NDPS Act, wherein he is on bail, however, petitioner Abhishek is not involved in any other case. 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 19.01.2026 in CRM-M-64486-2025, filed by the learned State counsel is taken on record. As per the same, the petitioner is behind bars for 6 months and 30 days.

4. Learned State counsel opposes the bail on the ground that there were specific allegations levelled against the petitioners by the co-accused in their disclosure statements of supplying the contraband. However, he is unable to controvert the submissions with regard to stage of the case and the petitioners being not involved in any other 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



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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.”

7. Considering the facts and circumstances of the case, in particular that petitioner Ajay Kumar @ Ajju is in custody for 08 months and 13 days, while petitioner Abhishek is in custody for about 7 months; petitioner Abhishek is not involved in any other case; petitioner Ajay Kumar @ Ajju on bail in other case; challan was presented on 16.09.2025, but charges are not framed so far; in all there are 36 prosecution witnesses, 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, both the present petitions are allowed.

8. The petitioners are 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 petitioners will not tamper with the evidence during the trial.
- (ii) The petitioners will not pressurize/ intimidate the prosecution witnesses.
- (iii) The petitioners will appear before the trial Court on each and every date fixed, unless are exempted by a specific order of Court.
- (iv) The petitioners shall not commit an offence similar to the offence of which, they are accused, or for commission of which they are suspected of.



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- (v) The petitioners 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 petitioners shall not in any manner misuse their liberty.
- (vii) The petitioners shall furnish their addresses and mobile number by way of their respective affidavits to the trial Court and not change the same till conclusion of trial and if for any reasons, they seek to change either of the aforesaid, it shall be done only with prior information to the learned trial Court.
- (viii) The petitioners 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 petitioners.

9. 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 petitioners by this order.

10. 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.

11. A photocopy of this order be placed on the file(s) of the other connected case (s).

(AMAN CHAUDHARY)
JUDGE

20.01.2026
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Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No