



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

220

CRM-M-62135-2025 (O&M)
Date of decision: 28.01.2026

Sahibjeet Singh alias Sabu

....Petitioner

Versus

State of UT Chandigarh

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. G.S. Gurna, Advocate for the petitioner

Mr. Manish Bansal, P.P. for U.T. Chandigarh

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.17 dated 05.08.2025, registered under Sections 21 and 29 of NDPS Act at Police Station Crime, District Chandigarh.

2. Learned counsel contends that the petitioner has been in custody for more than 5 months. Though he was named by co-accused Nihal and Junaid in their disclosure statements, however, non-commercial quantity of contraband has been recovered from him, it being 23.19 grams of Heroin. Co-accused Pooja, Mohd. Junaid, Sameer and Nihal have been granted bail by this Court vide orders dated 10.12.2025, 09.12.2025, 27.11.2025, after being in custody for more than 3 and 4 months respectively. No independent witness was joined at the time of recovery. Challan was presented on 15.01.2026, however, charges have not been framed and in all there are 50 prosecution witnesses. The petitioner is involved in 1 more case, wherein he has been granted bail after 1



month. 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 27.01.2026, filed by the learned State counsel is taken on record. As per the same, the petitioner is behind bars for 5 months and 11 days.

4. Learned State counsel opposes the bail on the ground that non-commercial quantity of contraband has been recovered from the petitioner and is involved in 1 more case under NDPS Act. 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 the 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 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 the petitioner is in custody for the last 5 months and 11 days; on bail in another case; co-accused are on bail; challan stands presented on 15.01.2026, however, charges are yet to be framed and there are a total of 50 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, the present petition is allowed.

8. 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.

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 petitioner 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.

(AMAN CHAUDHARY)
JUDGE

28.01.2026
M.Kamra

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