



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

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CRM-M-45927-2025 (O&M)

Date of decision: 27.08.2025

Gurjinder Pal alias Vicky

....Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Ajay Pal Singh Rehan, Advocate for the petitioner

Mr. Manipal Singh Atwal, 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.49 dated 17.01.2024, registered under Sections 52-A (1) of the Prisons (Punjab Amendment) Act, 2011, Section 21 of NDPS Act and Sections 120-B and 34 of IPC (Section 21 of NDPS Act stands dropped and Section 29 of NDPS Act and Sections 7 and 13 of Prevention of Corruption Act, 1988 added subsequently), at Police Station Division 7, Police Commissionerate, Ludhiana.

2. Learned counsel contends that the petitioner has been in custody for about 11 months. He alleges false implication. He was involved on the basis of disclosure statement of co-accused Vijay Kumar, who has been granted regular bail by this Court vide order dated 30.08.2024 in CRM-M-30809-2024, after being in custody for 8 months, Annexure P-3. There is no direct role of the petitioner that has been alleged. Two other co-accused, namely Gagandeep Sharma and Satnam Singh, who were posted as Assistant Superintendents, Jail, Ludhiana and have been ascribed graver role than him, were granted regular bail vide orders



dated 30.08.2024 and 27.03.2025, Annexures P-5 and P-9 respectively. Charges have been framed wayback on 22.08.2024, however, out of 14 prosecution witnesses, none has been examined. The petitioner is involved in 1 more case, 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 26.08.2025 filed by the learned State counsel is taken on record. As per the same, the petitioner is behind bars for 11 months and 1 day.

4. Learned State counsel opposes the bail on the ground that there are specific allegations against the petitioner. However, he is unable to controvert the submissions with regard to stage of the case, 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."

7. Considering the facts and circumstances of the case, in particular that the petitioner is in custody for the last 11 months and 1 day; on bail in another case; co-accused have been granted bail; out of 14 prosecution witnesses, none has yet been examined though the charges stands framed on 22.08.2024, 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

27.08.2025

M.Kamra

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No