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

CRM-M-52969-2023

Decided on:07.12.2023

VIKRAM ALIAS PAHARI

... PETITIONER

VERSUS

STATE OF HARYANA

... RESPONDENT

CORAM : HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Kartar Singh, Advocate
for the petitioner.

Mr. Vikas Bhardwaj, AAG, Haryana.

HARPREET SINGH BRAR, J. (ORAL)

1. The petitioner has approached this Court under Section 482 Cr.P.C. praying for quashing the impugned order dated 04.10.2023 (Annexure P-6) in case bearing FIR No. 104 dated 14.06.2021 (Annexure P-1), under Sections 21(b) of NDPS Act, registered at Police Station Bhattu Kalan, District Fatehabad whereby learned Special Judge, under NDPS Act, Fatehabad has cancelled the regular bail of the petitioner in an illegal manner, with a further prayer to restore the regular bail of the petitioner in the aforesaid FIR.

2. Learned counsel for the petitioner contends that the petitioner was granted regular bail vide order dated 30.07.2021 passed by learned Additional Sessions Judge, Fatehabad. Thereafter, two more FIRs were registered against the petitioner, in which he was falsely implicated. The respondent-State preferred an application for cancellation of regular bail granted to the petitioner in FIR No. 104 dated 14.06.2021 on the ground that the petitioner has violated the terms of

the bail as he was found involved in two other cases of similar nature, in which FIRs have been registered against him. Learned Special Judge, Fatehabad vide order dated 04.10.2023 in an illegal and erroneous manner cancelled the bail of the petitioner without taking into consideration the fact that pendency of another case cannot be the sole ground to deny concession of bail to the petitioner.

3. Per contra, learned counsel appearing on behalf of respondent-State contends that the petitioner is habitual offender and after obtaining concession of regular bail he indulged himself in the cases of similar nature and, therefore, the learned trial Court has rightly cancelled his bail.

4. I have heard learned counsel for the parties and perused the paper book.

5. A perusal of the case file indicates that after obtaining concession of regular bail, two more FIRs were registered against the petitioner, i.e., 291 dated 27.05.2022 under Sections 21(b) and 27-A of the NDPS Act, registered at Police Station City, Fatehabad and FIR No. 317 dated 15.10.2022 under Sections 21(b) and 27(A) of the NDPS Act. Admittedly, the petitioner has been granted the concession of regular bail in FIR No. 291 dated 27.05.2022 vide order dated 03.08.2022 passed by Additional Sessions Judge, Fatehabad and concession of interim anticipatory bail in FIR No. 317 dated 15.10.2022 under Sections 21(b) and 27(A) of NDPS Act.

6. Furthermore, Hon'ble Supreme Court in ***Prabhakar Tiwari Vs. State of U.P. and another 2020(1) R.C.R. (Criminal) 831 and Maulana Mohd. Amir Rashadi Vs. State of U.P. and others, (2012) 2 SCC 382***, has held that involvement of the accused in another cases would not be a sole ground to refuse concession of regular bail.

7. In view of the facts and circumstances the impugned order dated 04.10.2023 is set-aside. The petitioner is directed to be released on regular bail on furnishing adequate bail/surety bonds to the satisfaction of the concerned trial court/Duty Magistrate along with costs of Rs. 10,000/- to be deposited with the District Legal Services Authority, Fatehabad.
8. Needless to say, in case the petitioner fails to comply with the abovesaid direction, the order passed by this court today shall stand vacated automatically.
9. Nothing observed hereinabove shall be construed as expression of opinion of this Court on merits of the case and the trial Court shall proceed without being prejudiced by observations of this Court.

(HARPREET SINGH BRAR)
JUDGE

07.12.2023
manoj

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