



104+214 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-23710-2024(O&M)
Date of Decision: 19.09.2024

Balwinder Singh ...Petitioner
vs.
State of Punjab ...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Mr. Rajat Dogra, Advocate with
Mr. Gurpreet Singh Thind, Advocate, for the petitioner.

Mr. I.P.S. Sabharwal, DAG, Punjab.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the present petition under Section 439 of Cr.P.C. with a prayer to grant regular bail to him in case FIR No.110 dated 01.06.2022 registered under Sections 29 and 22 of NDPS Act, 1985, at Police Station Sultanpur Lodhi, District Kapurthala.
2. Learned counsel for the petitioner contends that in the present case, co-accused Vijay Singh was arrested by the police, while he was carrying 222 grams of intoxicant substance containing Alprazolam in his conscious possession, without any permit or licence. On the basis of the disclosure statement suffered by Vijay Singh; Balbir Singh, Sarpanch and Mangal Singh were nominated as an accused in the present case. They were arrested and their statements were recorded in police custody to the effect that the petitioner was also involved in the drug peddling with them. Learned counsel further contends that the statements suffered by co-accused in police custody is not admissible in evidence against the petitioner and apart from that, there is no other evidence to



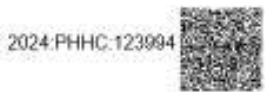
connect the petitioner with the alleged crime. He further contends that the petitioner was arrested in the present case on 13.07.2023 and in the present case no recovery has been effected from him.

3. On the other hand, learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner on the ground that two more cases under NDPS Act were registered against the petitioner.

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

5. No doubt, two more cases were registered against the petitioner, but the petitioner cannot be denied the concession of bail in the present case only on the ground that the petitioner has been able to make out a case for grant of bail in the facts and circumstances of the present case. The reliance can be placed on the law laid down by the Hon'ble Supreme Court in the matter of ***“Prabhakar Tewari Vs. State of U.P., and another”*** 2020(1) R.C.R. (Criminal) 831 where it has been held that the pendency of several criminal cases against the accused cannot be the basis to refuse the prayer of bail. Similar observations have been made by the Hon'ble Supreme Court in the matter of ***“Maulana Mohd. Amir Rashadi Vs. State of U.P., and another”*** 2012(1) R.C.R. (Criminal) 586. In the present case, the petitioner was arrested on 13.07.2023 and admittedly, no recovery was effected from the petitioner. Thus, further custody of the petitioner will not serve any meaningful purpose.

7. Consequently, without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial



Court/Duty Magistrate/Chief Judicial Magistrate, concerned, subject to the following conditions:-

- (i) The petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, so as to dissuade his to disclose such facts to the Court or to any other authority.
- (ii) The petitioner shall remain present before the Court on the dates fixed for hearing of the case.
- (iii) The petitioner shall not absent himself from the Court proceedings except on the prior permission of the Court concerned.
- (iv) The petitioner shall surrender his passport, if any, (if already not surrendered), and in case he is not holder of the same, he shall swear an affidavit to that effect.
- (v) The petitioner shall also file his affidavit before the concerned Court, mentioning his ordinary place of residence and number of mobile phone, which shall be used by his during the pendency of the trial. In case of change of place of residence/mobile number, he shall share the details with the concerned Court/learned Trial Court.
- (vi) In case, the petitioner involves in any other criminal activity, during the pendency of the trial, it shall be viewed seriously.
- (vii) The concerned Court may insist on two heavy local sureties and may also impose any other condition, in accordance with law, while accepting the bails bonds and surety bonds of the petitioner.

8. Pending application stands also disposed of.

19.09.2024.
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(N.S.SHEKHAWAT)
JUDGE

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