



289

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

CRM-M-40300-2024**Date of Decision: 30.09.2024**

Rajwinder Singh @ Raju

...Petitioner

vs.

State of Punjab

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat**Present :** Mr. Parminder Singh Sekhon, Advocate
for the petitioner.

Mr. Deepinder Singh Brar, Senior DAG, Punjab.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the instant petition under Section 439 of the Cr.P.C. with a prayer to grant regular bail to him in case FIR No.46 dated 24.04.2024 registered under Sections 15, 25 and 29 of NDPS Act, 1985, at Police Station Barnala, District Barnala.

2. Learned counsel for the petitioner contends that in the present case, Hukma Ram, co-accused was arrested by the police on 24.04.2024 and poppy husk was recovered from him, which was being transported in a Canter vehicle by him. He further contends that the petitioner has been nominated as an accused on the basis of the disclosure statement suffered by his co-accused. The petitioner was arrested in the present case on 06.06.2024 and after his arrest, a sum of Rs. 40,000/- was recovered from the petitioner. He further contends that no contraband was recovered from the petitioner and the petitioner has been involved only on the basis of the suspicion. He further



contends that the case of the petitioner is different from the co-accused from whom the recovery of poppy husk has taken place.

3. On the other hand, learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner on the ground that the petitioner is facing prosecution in two other cases under NDPS Act. However, he admits that the petitioner is already on bail in the said two cases.

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

5. No doubt, other criminal cases have been 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 wherein, 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 06.06.2024 and is continue in custody for the last more than 03 months. Admittedly, no contraband is recovered from the present petitioner. Thus, no purpose will be served by keeping the petitioner behind bars.

6. 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 him 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 him 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.*
- (viii) *The petitioner shall report every 1st Monday in English calander month to the concerned SHO till the conclusion of the trial and SHO shall mark his presence by making an entry in the rojnamcha. In case, he does not report on every 1st Monday to the concerned SHO, it shall be viewed seriously and the concession granted to him shall be liable to be cancelled and the State of Punjab shall be at liberty to move an appropriate application in this regard.*

30.09.2024.
hemlata

(N.S.SHEKHAWAT)
JUDGE

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