



234 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-43607-2024
Date of Decision: 10.09.2024

Avinash alias Bhalwan ...Petitioner
vs.
State of Punjab ...Respondent

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

Present : Mr. Prikshit Thakur, Advocate
for Mr. Rahul Bhargava, Advocate, for the petitioner.

Mr.M.S.Bajwa, Deputy Advocate General, Punjab.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the present petition under Section 439 Cr.P.C. with a prayer to grant regular bail to him in case FIR No.160 dated 16.11.2019 registered under Sections 21, 22 of Narcotic Drugs and Psychotropic Substances Act, 1985, at Police Station C-Division, District Police Commissionerate Amritsar.
2. Learned counsel for the petitioner contends that in the present case, 04 grams of heroin and 120 intoxicant loose tablets were planted on the petitioner. He further contends that the quantity of contraband recovered from the petitioner falls within the ambit of "non-commercial quantity". As per him, the petitioner was declared P.O. on 08.12.2022. However, later on, he was arrested on 09.06.2023 and is in custody since then.
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 two more prosecutions under the provisions of NDPS



Act and one more criminal case under Section 379-B of IPC has been registered against him.

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

5. No doubt, three more criminal cases were ordered to be registered against the petitioner, but the petitioner cannot be confined in jail for an indefinite period only on the ground that other cases are pending against him. 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. The petitioner was arrested on 09.06.2023 and has undergone more than 01 year and 8 months of custody. Still further, the quantity of contraband recovered from the petitioner is non-commercial in nature.

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.

10.09.2024.
hemlata

(N.S.SHEKHAWAT)
JUDGE

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