



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-49297-2024
Date of Decision:29.10.2024

Vikram Singh @ Vicky ...Petitioner

vs.

State of Punjab ...Respondent

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

Present : Mr. Karandeep Singh Sidhu, Advocate
for the petitioner.

Mr. M.S. Bajwa, DAG, Punjab.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the present petition under Section 483 of B.N.S.S with a prayer to grant regular bail to him in case FIR No. 49, dated 16.04.2023, registered under Sections 21/29/61/85 of NDPS Act (Section 27-B of NDPS Act added later on vide report No.32, dated 25.05.2024), Police Station Vairoke, District Fazilka (Annexure P-1).
2. Learned counsel for the petitioner contends that in the present case, 36 grams of heroin and Rs.15,000/- were recovered from mother of the petitioner namely Paramjeet Kaur. He further contends that the petitioner was not named in the FIR and has been falsely involved as unfortunately, he happens to be the son of Paramjeet Kaur, main accused. Learned counsel further contends that the except the alleged disclosure statement made by Paramjeet Kaur, there is no other legally admissible evidence against the present petitioner. The petitioner was arrested in the present case on 13.05.2024

and the challan has already been presented against him. Learned counsel further contends that even though the seven more FIRs have been registered against the present petitioner, but the petitioner is on bail in six other cases.

3. On the other hand, learned State counsel has vehemently opposed the prayer made by learned counsel for the petitioner on the ground that the petitioner is a habitual offender and is facing the prosecution in seven more criminal cases.

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

5. No doubt seven other criminal cases were ordered to be registered against the petitioner, but the registration of other criminal cases is no ground to reject the bail application of the petitioner, especially when he has been able to make out a case for grant of bail in the peculiar facts and circumstances of the present case. Reliance can also be placed in the matter of ***Prabhakar Tewari Vs. State of U.P., and another 2020(1) R.C.R. (Criminal) 831*** in which the Hon'ble Supreme Court has 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 quantity of contraband recovered from Paramjeet Kaur, main accused is 36 grams of heroin, which falls within the ambit of "non-commercial quantity". Apart from that, Paramjeet Kaur, main accused has already been ordered to be released on bail. Thus, no purpose will be served by keeping the petitioner behind the bars.

6. Without commenting on the merits of the case, the present petition

is allowed. The petitioner is ordered to be released on bail pending trial on his furnishing bail bonds and surety to the satisfaction of the concerned trial Court/Duty Magistrate/Chief Judicial Magistrate 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 is involved 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 on every 1st Monday of English calender month to the concerned SHO till the conclusion of the trial and SHO shall mark his presence by making an entry in the Rojnamcha.*

7. In case, the petitioner violates any of the conditions mentioned above, it shall be viewed seriously and the concession of bail granted to him

shall be liable to be cancelled and the prosecution shall be at liberty to move an application in this regard.

29.10.2024
hitesh

(N.S.SHEKHAWAT)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No