



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

CRM-M-53495-2024
Date of Decision:04.11.2024

Rohit @ Rohit Solanki @ Tamatar ...Petitioner

vs.

State of Haryana ...Respondent

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

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

Mr. Rajinder Kumar Banku, Deputy Advocate General, Haryana.

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. 386, dated 26.12.2023, registered under Sections 21(b) of NDPS Act and 25(1B)(a) of Arms Act, Police Station Sector-9A, District Gurugram (Annexure P-1).
2. Learned counsel for the petitioner contends that in the present case, three persons namely Bhagti Lamba, Parshant Parashar and Shubham were arrested from the spot, while they were carrying 22.80 grams of heroin and one country made pistol and five live cartridges. He further contends that the petitioner was neither present at the place of recovery nor had any concern with the other accused and he was arrested on 28.05.2024, while he was in custody in some other case. Learned counsel further contends that even after his arrest, no recovery was effected from him. Bhagti Lamba, from whom heroin was recovered has already been granted the concession of bail by the Court of

Additional Sessions Judge, Gurugram vide order dated 14.10.2024 (Annexure P-1). Even, Prashant Parashar, from whom country made pistol was recovered, has already been granted the benefit of bail by the Court of Additional Sessions Judge, Gurugram vide order dated 23.04.2024 (Annexure P-2). Another accused namely Shubham has already been ordered to be released on bail by the Court of Additional Sessions Judge, Gurugram vide order dated 07.05.2024 (Annexure P-3). He further contends that even the case of the petitioner is on better footing.

3. On the other hand, learned State counsel has vehemently opposed the prayer made by learned counsel for the petitioner on the ground that five other criminal cases were also ordered to be registered against the present petitioner.

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

5. Even though, five more cases were ordered to be registered against the petitioner, but the same cannot serve as a ground for rejection of bail, 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***. Thus, it is not in dispute that three accused namely Bhagti Lamba, Parshant Parashar and

Shubham were arrested at the spot, however, vide orders (Annexures P-1 to P-3) all the accused have been ordered to be released on bail. The petitioner is also in custody for the last about six months and the conclusion of the trial may take quite a long time. 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.

04.11.2024
hitesh

(N.S.SHEKHAWAT)
JUDGE

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