

2024:PHHC:159718



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

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**CRM M-58619 of 2024
Date of Decision: 29.11.2024**

Bhagwan Singh @ Bhana

...Petitioner

Vs.

State of Punjab

...Respondent

CORAM : HON'BLE MR. JUSTICE N.S.SHEKHAWAT

Present : Mr. Ruhani Chadha, Advocate, for the petitioner.

Ms. Avneet, AAG, Punjab.

N.S.SHEKHAWAT, J. (Oral)

1. The petitioner has filed the present petition under Section 483 of the Bhartiya Nagarik Suraksha Sanhita, 2023 with a prayer to grant a regular bail in case FIR No.175 dated 24.06.2014 registered under Sections 15 and 25 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, '**the NDPS Act**') at Police Station Dharamkot, District Moga.

2. The petitioner had earlier approached this Court with similar relief and the last bail application was withdrawn on 06.07.2023. i.e., about one year and 04 months ago.

3. Learned counsel for the petitioner contends that even today, there has been no substantial progress in trial and this itself

serves as a fresh ground of bail in the present case. Learned counsel for the petitioner further contends that as per the story of the prosecution also, the police raided Bus Stand Jalalabad and the remaining three co-accused were apprehended by the police. He further contends that the petitioner has been falsely involved in the present case as the petitioner was not apprehended at the spot and no recovery was effected from him. Learned counsel for the petitioner has relied upon the law laid down by the Hon'ble Supreme Court in the matter of ***SLP No. 6690 of 2022, titled as "Dheeraj Kumar Shukla Vs. State of Uttar Pradesh"***, in which the Hon'ble Supreme Court held as follows:-

"2. The allegations are that on a secret information, the police authorities intercepted two vehicles on 23.06.2020 i.e. one 'Gray' coloured 'Honda City' car and the second 'White' coloured 'Swift Dzire' car. On an interrogation at the spot, Praveen Maurya @ Puneet Maurya, Rishab Kumar Maurya and Dheeraj Kumar Shukla were found to be occupants of the 'Honda City' car whereas the petitioner was driving the 'Swift Dzire' car. On taking a search, more than 92 kgs. Ganja was allegedly recovered from 'Honda City' car where as more than 65 kgs. Ganja was recovered from 'Swift Dzire' Car. The accused were arrested at the spot. The petitioner is, thus, in custody since 24.06.2020.

3. It appears that some of the occupants of the 'Honda City' Car including Praveen Maurya @ Puneet Maurya have since been released on regular bail. It is true that the quantity recovered from the petitioner is commercial

in nature and the provisions of Section 37 of the Act may ordinarily be attracted. However, in the absence of criminal antecedents and the fact that the petitioner is in custody for the last two and a half years, we are satisfied that the conditions of Section 37 of the Act can be dispensed with at this stage, more so when the trial is yet to commence though the charges have been framed.

4. For the reasons stated above but without expressing any views on the merits of the case, the petitioner is directed to be released on bail subject to his furnishing bail bonds to the satisfaction of the trial Court”.

4. On the other hand, learned State counsel for the State submits that two more cases were ordered to be registered against the petitioner and the petitioner was declared as a proclaimed offender in the year 2014 and he was arrested after several years.

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

6. In the present case, the petitioner is in custody for the last more than 02 years and 09 months. Keeping in view the above stated facts and the law laid down by the Hon'ble Supreme Court in the matter of **Dheeraj Kumar Shukla's case (Supra)**, the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/ 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 gets involved in any other criminal activity, during the pendency of the trial, it shall be viewed seriously and the prosecution shall be at liberty to move an appropriate application for cancellation of bail granted to the present petitioner.

(vii) The concerned Court may insist two heavy local surties 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 and 3rd Monday in English calander month before 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

and 3rd Monday before 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.

29.11.2024

(N.S.SHEKHAWAT)

amit rana

JUDGE

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