



233+234

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Date of decision:17.03.2025

(i) CRM-M-976-2024

Om Parkash alias Parkash ...Petitioner

vs.

State of Haryana ...Respondent

(ii) CRM-M-35490-2024

Shyam Singh Sondhiya ...Petitioner

vs.

State of Haryana ...Respondent

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

Present : Mr. Ramnish Puri, Advocate
for the petitioner in CRM-M-976-2024.

Mr. Amit Singla, Advocate
for the petitioner in CRM-M-35490-2024.

Mr. Rajiv Sidhu, DAG, Haryana.

N.S.Shekhawat J.(oral)

1. This order shall dispose off above-said two petitions i.e. CRM-M-976-2024, titled as Om Parkash alias Parkash Vs. State of Haryana and CRM-M-35490-2024 titled as Shyam Singh Sondhiya Vs. State of Haryana, whereby the petitioners have prayed for grant of regular bail to them in case FIR No.147 dated 29.09.2023 registered under Section 18-C of NDPS Act (During investigation Sections 29 and 27-A of NDPS Act, 1985 and Section 201 of IPC have been added), at Police Station Jakhal, District Fatehabad.

2. Learned counsel for the petitioner-Om Parkash alias Parkash (in



CRM-M-976-2024) submits that as per the allegations levelled by the complainant, recovery of 1 kg 50 grams of opium was allegedly made from the petitioner. However, the said quantity is non-commercial in nature and the provisions of under Section 37 of NDPS Act would not apply to the facts of the present case. He further contends that the petitioner was earlier involved in a case FIR No. 11 dated 29.01.2020 under Section 18 of NDPS Act, registered at Police Station Jakhal, however, the petitioner is on bail in the said case. The petitioner is in custody in the present case for the last about more than 01 year and 03 months and the challan has already been presented against him.

3. On the other hand, learned counsel for the petitioner -Shyam Singh Sondhiya (in CRM-M-35490-2024) submits that the petitioner was not initially named in the FIR, however, he has been nominated as an accused on the basis of the disclosure statement made by Om Parkash alias Parkash in police custody. The petitioner is stated to be in custody since 31.01.2024 and the challan has already been presented against him. He further contends that even though, the petitioner is involved in two more criminal cases, but he is on bail in the said cases.

4. In compliance of order dated 13.02.2025, status report by way of an affidavit of Deputy Superintendent of Police, Tohana, District Fatehabad has been filed by learned State counsel in Court today and the same is taken on record. Learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioners on the ground that serious allegations have been levelled against the present petitioners. However, he is not in a position to controvert the factual submissions made by learned counsel for the petitioners.



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

6. No doubt, the petitioner, namely, Om Parkash alias Parkash is involved in one more case, whereas, the petitioner, namely, Shyam Singh Sondhiya is involved in two more criminal cases, but the petitioners cannot be denied the concession of bail in the present case only on that ground because the petitioners have been able to make out a case for grant of bail in the peculiar 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. The petitioners are stated to be in custody since 29.09.2023 and 31.01.2024 and the challan has already been presented against them. Even, the provisions of under Section 37 of NDPS Act may not be applied to the present case.

7. Without commenting on the merits of the case, the present petitions are allowed and the petitioners are ordered to be released on bail subject to their 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 petitioners 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 them to disclose such facts to*



the Court or to any other authority.

(ii) The petitioners shall remain present before the Court on the dates fixed for hearing of the case.

(iii) The petitioners shall not absent themselves from the Court proceedings except on the prior permission of the Court concerned.

(iv) The petitioners shall surrender their passport(s), if any, (if already not surrendered), and in case they are not holder of the same, they shall swear an affidavit to that effect.

(v) The petitioners shall also file their affidavits before the concerned Court, mentioning their ordinary place of residence and number of mobile phone, which shall be used by them during the pendency of the trial. In case of change of place of residence/mobile number, they shall share the details with the concerned Court/learned Trial Court.

(vi) In case, the petitioners involve 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 petitioners.

(viii) The petitioners shall report every 1st Monday in English calander month to the concerned SHO till the conclusion of the trial and SHO shall mark their presence by making an entry in the rojnamcha. In case, they do not report on every 1st Monday to the concerned SHO, it shall be viewed seriously and the concession granted to them shall be liable to be cancelled and the prosecution shall be at liberty to move an appropriate application in this regard.

(N.S.SHEKHAWAT)
JUDGE

17.03.2025
hemlata

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