

CRM-M-4755-2025

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CRM-M-4755-2025  
Reserved on: 02.04.2025  
Pronounced on: 22.04.2025

Aakash Sharma alias Seth alias Raghu ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Puneet Bali, Advocate  
for the petitioner.

Mr. Akshay Kumar, AAG, Punjab.

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ANOOP CHITKARA, J.

| FIR No. | Dated      | Police Station                     | Sections                                                       |
|---------|------------|------------------------------------|----------------------------------------------------------------|
| 0122    | 22.06.2024 | Ajnala, District<br>Amritsar Rural | 25/54/59 of Arms Act and<br>21B/25/27A/29/61/85 of<br>NDPS Act |

1. The petitioner incarcerated in the FIR captioned above had come up before this Court under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking regular bail.
2. In paragraph 19 of the bail petition, the accused declares that he has no criminal antecedents.
3. The facts and allegations are being taken from the reply filed by the State, which reads as follows:

*“That the brief and relevant facts of the case are that the aforesaid FIR No. 122 dated 22.06.2024 was registered at the Police station Ajnala, Amritsar (Rural), on the basis of a 'Ruqa' sent by ASI Kanwaljit Singh mentioning therein that Akash Seth alias Raghu (petitioner), Karanjit Singh and Sukhdeep Singh were apprehended by him in the area of Ajnala on the basis of secret information received during the patrolling and search of anti-social elements and during the search of the box carried by the petitioner, 5 pistols of 30 bore along with 10 magazines, one glock 9MM without magazine were recovered. The detailed facts mentioned in the aforesaid Ruqa have been reproduced in the true translation of the*

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*FIR attached with the petition as Annexure P-1, which may kindly be read as part of the present paragraph as same are not repeated here for the sake of brevity.”*

4. Petitioner seeks bail on parity with co-accused Sukhdeep alias Bablu, who was granted bail by this Court vide order dated 28.11.2024 passed in CRM-M-47971-2024. The petitioner's counsel prays for bail by imposing any stringent conditions and contends that further pre-trial incarceration would cause an irreversible injustice to the petitioner and their family.

5. The State’s counsel opposes bail and refers to the reply.

6. It would be appropriate to refer to the following portions of the reply, which read as follows:

*“5. That 200 grams of heroin was recovered at the instance of the petitioner, which was taken into police possession vide recovery memo dated 22.06.2024 by ASI Harjinder Singh as the investigating officer who initially conducted the investigation was a local rank, who was not competent for investigation in NDPS cases.*

*6. That during the custodial interrogation, the petitioner suffered a disclosure statement dated 24.06.2024 that Bholu used to give him commission for supplying illegal drugs and weapons and about 10/15 days ago, the co-accused Bholu gave him Rs. 5 Lakh, out of which he has made one gold chain and spent some money. A total of Rs. 3,40,300/- was recovered at his instance along with one gold chain, which was taken into police possession vide recovery memo dated 24.06.2024.*

*x x x x x*

*8. The petitioner is an active member of the gang consisting of Sukhdeep Singh, Karanjit Singh and Sanjam, who is involved in smuggling of heroin and weapons on asking of Bholu.”*

#### REASONING:

7. Rigorous of Section 37 of NDPS Act do not apply in this case as quantity involved is intermediate.

8. Co-accused Sukhdeep Singh @ Bablu has already been released on bail, however contraband was recovered from the petitioner. There is sufficient prima facie evidence connecting the petitioner with the alleged crime. However, pre-trial incarceration should not be a replica of post-conviction sentencing. Per paragraph 13 of the bail petition, the petitioner has been in custody since 22.06.2024. Per the custody certificate dated 01.04.2025, the petitioner’s total custody in this FIR is 09 months & 4 days. Given the

penal provisions invoked viz-a-viz pre-trial custody, coupled with the prima facie analysis of the nature of allegations, and the other factors peculiar to this case including the fact that co-accused has been granted bail, there would be no justifiability for further pre-trial incarceration at this stage, subject to the compliance of terms and conditions mentioned in this order.

9. Without commenting on the case's merits, in the facts and circumstances peculiar to this case, and for the reasons mentioned above, the petitioner makes a case for bail. This order shall come into force from the time it is uploaded on this Court's official webpage.

10. Given above, provided the petitioner is not required in any other case, the petitioner shall be released on bail in the FIR captioned above subject to furnishing bonds to the satisfaction of the concerned Court and due to unavailability before any nearest Ilaqa Magistrate/duty Magistrate. Before accepting the surety, the concerned Court must be satisfied that if the accused fails to appear, such surety can produce the accused.

11. While furnishing a personal bond, the petitioner shall mention the following personal identification details:

|    |                                                                                                                                      |  |
|----|--------------------------------------------------------------------------------------------------------------------------------------|--|
| 1. | AADHAR number                                                                                                                        |  |
| 2. | Passport number (If available) and when the attesting officer/court considers it appropriate or considers the accused a flight risk. |  |
| 3. | Mobile number (If available)                                                                                                         |  |
| 4. | E-Mail id (If available)                                                                                                             |  |

12. The petitioner shall abide by all statutory bond conditions and appear before the concerned Court(s) on all dates. The petitioner shall not tamper with the evidence, influence, browbeat, pressurize, induce, threaten, or promise, directly or indirectly, any witnesses, Police officials, or any other person acquainted with the facts and circumstances of the case or dissuade them from disclosing such facts to the Police or the Court.

13. **This bail is conditional, and the foundational condition is that if the petitioner indulges in similar type of offence, offence u/s 19/24/27A of NDPS Act or the offence in which sentence is more than 03 years, the State may file an application for cancellation of this bail before the Sessions Court, which shall be at liberty to cancel this bail.**

14. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.

15. A certified copy of this order would not be needed for furnishing bonds, and any Advocate for the Petitioner can download this order along with case status from the official web page of this Court and attest it to be a true copy. If the attesting officer wants

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to verify its authenticity, such an officer can also verify its authenticity and may download and use the downloaded copy for attesting bonds.

16. **Petition allowed** in terms mentioned above. All pending applications, if any, stand disposed of.

(ANOOP CHITKARA)  
JUDGE

22.04.2025  
anju rani

Whether speaking/reasoned: Yes  
Whether reportable: No.