

2025:PHHC:100860



234 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-6315-2025
Date of Decision: 06.08.2025

Bikram Bhatti @ Vicky

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Narinder S. Lucky, Advocate
for the petitioner.

Ms. Simran Goria, AAG, Punjab.

RAJESH BHARDWAJ, J. (ORAL)

1. Petitioner has approached this Court by way of present petition praying for granting regular bail in case FIR No.118 dated 09.07.2024 under Sections 21/29/31/65/85 of the Narcotic Drugs and Psychotropic Substances Act, 1985 registered at Police Station Bullowal, District Hoshiarpur (Annexure P-1).

2. It has been submitted by the learned counsel for the petitioner that the petitioner has been falsely and frivolously roped in the present case. He submits that as per case of the prosecution, it is an admitted fact that the petitioner was already behind bars in case FIR No.44 dated 01.04.2022 under Section 22 of the NDPS Act. He submits that while the petitioner was in custody, only to implicate him in another case, he was sought to have been interrogated by the CIA Staff, Hoshiarpur wherein his confessional statement has been recorded to the effect that he was involved in smuggling of narcotics substance. His confessional statement was recorded to the effect that he had kept the contraband

heroin in his Bolero car bearing registration No.PB-07-BX-6307, which is parked in his house. He submits that on the basis of the same, the alleged recovery from the car parked in his house had been shown to be recovered, which was allegedly of 265 grams heroin. He further submits that the present FIR was registered and the petitioner was arrested on 09.07.2024. He submits that from the facts and circumstances it is apparent that the petitioner was behind bars and while he was in police custody in another FIR, he was implicated in the present case on the basis of false and frivolous story. He submits that the petitioner has been granted bail in the earlier case, in which he was already in custody. He submits that the petitioner is behind bars in the present case since the date of his arrest. Challan has been presented and charges have been framed. He submits that petitioner is involved in other 08 cases, however, in some of the cases he is on bail and in some of the cases he is in custody. He, thus, submits that in view of the facts and circumstances of the case, the petitioner deserves to be granted bail.

3. Per contra, learned State counsel has opposed the submissions made by counsel for the petitioner. She submits that the petitioner is a habitual offender, who is involved in 08 other cases for the offence of similar nature. However, she has affirmed the fact that the petitioner was already in custody when the present FIR was lodged on his confessional statement. She has placed on record custody certificate of the petitioner.

4. After hearing counsel for the parties and perusing the record, it is deciphered that it is admitted fact that the petitioner was already behind bars in case FIR No.44 dated 01.04.2022. While he was in custody, his confessional statement was recorded and the present FIR was lodged and he was taken into custody in the present case. The alleged recovery in the present case is of 265 grams heroin, which falls under the commercial quantity. Challan has been presented and charges have been framed. The custody certificate would reflect

that the petitioner has suffered incarceration of 01 year and 21 days as on 05.08.2025. It further reflects that petitioner is involved in other 08 cases, however, in some of the cases he is on bail and in some of the cases he is in custody.

5. As held by the Hon'ble Supreme Court in ***Mohd Muslim @ Hussain Vs. State (NCT of Delhi), 2023 LiveLaw(SC)260***, this Court is of the opinion that the case of the petitioner is covered by the ratio of law laid down by the Hon'ble Supreme Court. In the abovesaid case, Hon'ble Supreme Court expressed its views as under:-

19. A plain and literal interpretation of the conditions under Section 37 (i.e., that Court should be satisfied that the accused is not guilty and would not commit any offence) would effectively exclude grant of bail altogether, resulting in punitive detention and unsanctioned preventive detention as well. Therefore, the only manner in which such special conditions as enacted under Section 37 can be considered within constitutional parameters is where the court is reasonably satisfied on a prima facie look at the material on record (whenever the bail application is made) that the accused is not guilty. Any other interpretation, would result in complete denial of the bail to a person accused of offences such as those enacted under Section 37 of the NDPS Act.

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21it would be important to reflect that laws which impose stringent conditions for grant of bail, may be necessary in public interest; yet, if trials are not concluded in time, the injustice wrecked on the individual is immeasurable.

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23. There is a further danger of the prisoner turning to crime, "as crime not only turns admirable, but the more professional the crime, more honour is paid to the criminal"²² (also see Donald Clemmer's 'The Prison Community' published in 1940²³). Incarceration has further deleterious effects—where the accused belongs to the weakest economic strata: immediate loss of livelihood, and in several cases, scattering of families as well as

loss of family bonds and alienation from society. The courts therefore, have to be sensitive to these aspects (because in the event of an acquittal, the loss to the accused is irreparable), and ensure that trials—especially in cases, where special laws enact stringent provisions, are taken up and concluded speedily.'

6. The veracity of the allegations would be assessed only after the conclusion of the trial and on the appreciation of evidence to be led by both the parties before the trial Court. This Court would refrain itself from commenting anything on the merits of the case. The trial of the case will take sufficient long time. Thus, keeping in view the arguments raised by both the sides, this Court is of the opinion that learned counsel for the petitioner succeeds in making out a case for grant of regular bail to the petitioner.

7. Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate. However, if the petitioner does not furnish the bail bonds within 07 days from today, then his further custody period after one week will not be counted in this case.

8. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

06.08.2025

Parveen kumar

(RAJESH BHARDWAJ)
JUDGE

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