



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

**CRM-M-6873-2025**

**Date of Decision:22.07.2025**

Kamlesh

...Petitioner

vs.

State of Punjab

...Respondent

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

**Present :**    Mr. Manoj R. Sharma, Advocate  
for the petitioner.

Mr. Ravneet Singh Joshi, DAG, Punjab.

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**N.S.Shekhawat J. (Oral)**

1.            The petitioner has filed the instant petition under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 with a prayer to grant regular bail to her in case FIR No.51 dated 01.04.2024 registered under Sections 304 of IPC and Section 27 of NDPS Act (Sections 212, 216 of IPC and Section 29 of NDPS Act added later on) at Police Station Dinanagar, District Gurdaspur.
2.            Learned counsel for the petitioner contends that admittedly, the petitioner was neither present at the place of occurrence nor had any role to play in the entire occurrence. Only general and vague allegations have been levelled against the petitioner in the FIR (Annexure P-1). Learned counsel further submits that she was nominated as an accused on the basis of the disclosure statement suffered by Rattan Lal, who allegedly stated that a contraband was purchased by him from Pushpa, mother of the petitioner. Thus, the petitioner has been falsely involved in the present case. He further contends that the

petitioner was arrested in the present case on 08.12.2024 and is in custody since then.

3. On the other hand, learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner on the ground that the petitioner had supplied the drugs to the deceased and 05 more cases under NDPS Act were ordered to be registered against her.

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

5. No doubt, five more criminal cases have been registered against the petitioner, but the petitioner cannot be denied the concession of bail in the present case only on that ground because the petitioner has 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***. In the present case, the petitioner was not initially named in the FIR and has been nominated as an accused on the basis of the disclosure statement suffered by Rattan Lal, co-accused. Even, the petitioner was not present at the place of occurrence also. Moreover, she is in custody for the last about 08 months. Thus, no purpose will be served by keeping her behind bars.

6. Without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to her furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate, concerned.

22.07.2025  
hemlata

(N.S.SHEKHAWAT)  
JUDGE

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