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

CRM-M-8477-2025**Date of Decision: 19.02.2025**

Mukhtiar Chand @ Mukhtyar Chand @
Manna

...Petitioner

vs.

State of Punjab

...Respondent

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

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

Mr. Deepinder Singh Brar, Senior DAG, Punjab.

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 him in case FIR No.209 dated 30.07.2024 registered under Sections 18(b), 21(c), 27(a) of NDPS Act, (offence under Section 29 of NDPS Act added lateron), at Police Station Phillaur, District Jalandhar.

2. As per case set up by the prosecution, during the course of checking of suspicious elements on 30.07.2024, Jarnail Singh and Amarjit Kaur were apprehended by the police and Jarnail Singh was found carrying 500 grams of opium in a polythene bag and Rs. 25,000/- as drug money, whereas Amarjit Kaur was carrying 15 grams of heroin and Rs.50,000/- as drug money. He further contends that the recovery of contraband from his co-accused was "non-commercial in nature". Learned counsel further contends that the petitioner was neither named in the FIR nor was present at the place of alleged



recovery and has been nominated as an accused on the basis of the disclosure statement suffered by co-accused. He further contends that the co-accused, Jarnail Singh and Amarjit Kaur have already been admitted to bail by this Court vide orders dated 28.10.2024 and 16.01.2025 (Annexures P-2 and P-3, respectively).

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 is involved in four more criminal cases and is a habitual offender.

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

5. No doubt, four 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. The petitioner is stated to be in custody since 06.11.2024 and the investigation has been completed against him. Moreover, the main accused, Jarnail Singh and Amarjit Kaur have already been



admitted to bail by this Court vide orders dated 28.10.2024 and 16.01.2025 (Annexures P-2 and P-3 respectively).

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 his 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 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 involves 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 petitioner.*

(N.S.SHEKHAWAT)
JUDGE

19.02.2025
hemlata

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