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

**CRM-M-8805-2025 (O&M)
Reserved on : 03.04.2025
Pronounced on : 23.04.2025**

Shinderpal Singh @ Sinder @ Chhinder Pal Singh **...Petitioner**

Versus

State of Punjab **...Respondent**

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Raj Kumar Chandan, Advocate
for the petitioner.

Ms. Sakshi Bakshi, AAG, Punjab.

MANISHA BATRA, J.

1. The instant one is the third petition that has been filed by the petitioner for grant of regular bail in case arising out of FIR No. 0196 dated 01.09.2023, registered under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (*for short 'NDPS Act'*) at Police Station Dharamkot, District Moga. The first petition, bearing number **CRM-M-63756-2023**, was dismissed on 14.03.2024, whereas the second petition, bearing number **CRM-M-36999-2024**, was dismissed as withdrawn on 23.10.2024.

2. Brief facts of the case relevant for the disposal of the present petition are that on 01.09.2023, the petitioner and co-accused Harmesh Singh @ Meshi were apprehended and recovery of 50 intoxicant tablets of Etizolam was effected from the polythenes, which they had thrown from

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their respective pockets on seeing the police party. After receipt of FSL report, the total weight of the recovered tablets was found to be 6.5 grams. After completion of necessary investigation and usual formalities, *challan* was presented in the Court and presently, the petitioner along with the co-accused is facing trial for commission of aforesaid offence.

3. Learned counsel for the petitioner has argued that he has been falsely implicated in this case. Mandatory provisions of the NDPS Act were not complied with properly. Similarly situated co-accused has already been granted concession of regular bail by this Court, vide order dated 10.02.2025 passed in ***CRM-M-64105-2024***. On the grounds of parity, the petitioner too deserves to be released on bail. Even otherwise, investigation has since been completed and *challan* has been filed. The trial is likely to take time. The petitioner is in judicial custody since 01.09.2023. No useful purpose would be served by keeping him in custody anymore. Therefore, it is urged that the petition deserves to be allowed and the petitioner deserves to be released on regular bail. Learned counsel for the petitioner has relied upon the authority cited as ***Prabhakar Tewari vs. State of U.P. and another : 2020 (1) RCR (Criminal) 831*** to submit that pendency of other criminal cases against an accused cannot be basis to refuse prayer of bail.

4. Status report has been filed by the respondent-State. It is submitted therein and learned Assistant Advocate General, Punjab has argued that the petitioner is not entitled to get benefit of bail as he was nabbed at the spot along with the above named co-accused and recovery of 50 tablets of Etizolam was effected from them. His story regarding false

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implication is concocted one. The criminal antecedents of the petitioner are not clean as he is involved in four more criminal cases, out of which, one case has been registered under the provisions of NDPS Act. Hence, it is urged that the petition is liable to be dismissed.

5. I have heard learned counsel for the parties at considerable length and have also perused the material placed on record.

6. The petitioner is alleged to have been apprehended along with co-accused Harmesh Singh @ Meshi on 01.09.2023. Recovery of 50 tablets of Etizolam is shown to have been effected from them. The prayer of the petitioner for grant of bail was previously declined on the ground that he was convicted under Section 376 of IPC. However, similarly situated co-accused has been granted concession of regular bail by this Court as mentioned above. The petitioner is behind bar since 01.09.2023. Trial would certainly take time as out of total 11 prosecution witnesses, only 02 witnesses have been examined so far. Keeping in view the aforesaid facts and circumstances and also in view of the ratio of law as laid down in aforecited judgment, I am of the considered opinion that no useful purpose would be served by keeping the petitioner in custody anymore. Accordingly, the present petition is allowed. The petitioner is ordered to be released on regular bail, subject to his furnishing personal/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned. However, it will be open for the prosecution to apply for cancellation of bail in case the petitioner is found involved in any other subsequent case.

7. It is made clear that any observation made herein above is only

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for the purpose of deciding the present petition and the same shall have no bearing on the merits of the case.

23.04.2025

Wasem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No