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

CRM-M-10465-2025**Date of Decision: 03.03.2025**

Vikram Singh @ Vicky

...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 second petition under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 with a prayer to grant regular bail to him in case FIR No.108 dated 05.06.2023 registered under Sections 21(C), 25 and 29 of NDPS Act, 1985 and offence under Sections 420, 468 and 471 of IPC added later on, at Police Station Chheharta, District Amritsar.

2. Learned counsel for the petitioner contends that the FIR was initially registered against Nishan Singh and Heera Singh and both the them were found in conscious possession of 1kg 750 grams of Heroin. He further submits that during the course of investigation, Heera Singh and Nishan Singh had suffered their respective disclosure statements and named the petitioner in the present case. However, no recovery was effected from the petitioner. He further contends that except the disclosure statements suffered by co-accused, there is no other evidence against the petitioner. The petitioner was arrested in the present case on 13.06.2023 and is in custody for the last more than one year



and 8 months. He further contends that similarly placed co-accused Varinder Singh @ Bhalwan has been granted the concession of bail by this Court in CRM-M-56009 of 2024, passed on 12.12.2024 (Annexure P-7).

3. On the other hand, learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner on the ground that several other cases have been registered against the petitioner and the petitioner is a hardened criminal. Thus, the petition deserves to be dismissed by this Court.

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

5. No doubt, several other 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 in custody for the last more than 01 year and 08 months and no contraband was recovered from him. Further, similarly placed co-accused Varinder Singh @ Bhalwan has been



granted the concession of bail by this Court, vide order dated 12.12.2024 (Annexure P-7).

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.*



(viii) The petitioner shall report every 1st and 3rd Monday in English calander month to the concerned SHO till the conclusion of the trial and SHO shall mark his presence by making an entry in the rojnamcha. In case, he does not report on every 1st and 3rd Monday to the concerned SHO, it shall be viewed seriously and the concession granted to him shall be liable to be cancelled and the State of Punjab shall be at liberty to move an appropriate application in this regard.

03.03.2025
hemlata

(N.S.SHEKHAWAT)
JUDGE

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