



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

CRM-M-11519-2025

Date of Decision:14.05.2025

Amandeep @ Billa

...Petitioner

vs.

State of Haryana

...Respondent

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

Present : Mr. Vishal Sharda, Advocate
for the petitioner.

Mr.Rajiv Sidhu, DAG, Haryana.

N.S.Shekhawat J. (Oral)

1. On oral request made by learned counsel for the petitioner offence under Section 21 of NDPS Act is ordered to be added in the head note as well as prayer clause of the petition. Learned counsel for the petitioner is directed to carry out the necessary correction in this regard in the Court today itself.

2. The petitioner has filed the present petition under Section 483 of B.N.S.S with a prayer to grant regular bail to him in case FIR No. 359, dated 20.07.2023, registered under Sections 22,21,29-61-85 of NDPS Act, Section 18 (C) of Drugs and Cosmetic Act, Police Station Parao Ambala Cantt, District Ambala (Annexure P-1).

3. Learned counsel for the petitioner contends that the petitioner was not named in the FIR and has been involved only on the basis of the disclosure statement suffered by co-accused, Sumit and the admissibility of such statement is yet to be decided by the Trial Court. Except the disclosure statement suffered by co-accused there is no other evidence against the present petitioner.

Moreover, Sumit, main accused has already been admitted to bail by this Court in CRM-M-17008-2024, vide order dated 10.02.2025 passed by this Court.

4. On the other hand, learned State counsel has vehemently opposed the prayer made by learned counsel for the petitioner on the ground that 11 more cases were ordered to be registered against the present petitioner, however, the petitioner has been acquitted in five cases.

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

6. The petitioner can never be confined in jail for an indefinite period as 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*** has 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 was arrested in the present case on 20.07.2023 and is in custody for the last about 01 year and 09 months. Moreover, co-accused Sumit has been granted the concession of bail by this Court, vide order dated 10.02.2025.

7. Without commenting on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail pending trial on his furnishing bail bonds and surety to the satisfaction of the concerned trial Court/ Duty Magistrate/Chief Judicial Magistrate 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 is involved 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 on every 1st and 3rd Monday of English calender month to the concerned SHO till the conclusion of the trial and SHO shall mark his presence by making an entry in the Rojnamcha.*

8. In case, the petitioner violates any of the conditions mentioned above, it shall be viewed seriously and the concession of bail granted to him shall be liable to be cancelled and the prosecution shall be at liberty to move an application in this regard.

(N.S.SHEKHAWAT)
JUDGE

14.05.2025
hitesh

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