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

CRM-M-14092-2025

Date of Decision:20.03.2025

RAJ KUMAR

...PETITIONER

VS.

STATE OF PUNJAB

...RESPONDENT

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

Present : Mr. Krishan Singh Dadwal, Advocate
for the petitioner.

Mr. I.P.S. Sabharwal, DAG, Punjab.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the present petition under Section 483 of BNSS, with a prayer to grant regular bail to him in case FIR No.66 dated 26.03.2024, registered under Sections 61 of the Punjab Excise Act, 1914, Sections 308, 328, 511, 120-B IPC, Police Station Tanda, District Hoshiarpur.

2. Learned counsel for the petitioner vehemently argued that the petitioner has been falsely involved in the present case and there is no independent corroboration of the prosecution case. He further contends that in the present case, offence under Sections 308/328 IPC have been wrongly added in the present case as there was no evidence to show that the petitioner had administered or caused to administer the stupefying substance. Still further, there was no conspiracy on the part of the any of the accused to commit a crime



and the ingredients of the offence under Section 120-B IPC are completely missing in the peculiar facts and circumstances of the present case. As per learned counsel, the petitioner was arrested on 14.09.2024 and challan has already been presented against him. As per him, no witness out of total 11 witnesses, has been examined so far and the trial Court may take considerable time to conclude the trial in the present case.

3. On the other hand, learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner on the ground that serious allegations have been levelled against the present petitioner and he does not deserve the concession of bail by this Court. However, he admits that co-accused Raj Kumari, Bachni, Baby and Chahat have been granted the concession of bail.

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

5. It is not in dispute that similarly placed co-accused Raj Kumari, Bachni, Baby and Chahat have already been admitted to bail in the present case. The petitioner is stated to be in custody for the last about 06 months and the trial may not conclude in near future.

6. 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.

7. 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.

20.03.2025
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(N.S. SHEKHAWAT)
JUDGE

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