



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

CRM-M-23802-2024

Date of Decision: 25.02.2025

Sodhi Singh @ Sodhi

...Petitioner

vs.

State of Punjab

...Respondent

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

Present : Mr. Mohit Giri, 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 439 Cr.PC with a prayer to grant regular bail to him in case FIR No. 09, dated 02.02.2024, registered under Section 22 of NDPS Act (Section 29 of NDPS Act added later on), Police Station Bilga, District Jalandhar Rural (Annexure P-1).

2. Learned counsel for the petitioner contends that the petitioner was neither named in the FIR nor any overt act was attributed to him. As per the case of the prosecution, co-accused namely Kamaljit Kaur @ Totti was arrested by the police and she was found carrying 11 injections of buprenorphine without any valid license or authorisation. During the course of investigation, Kamaljit Kaur @ Totti is stated to have made a disclosure statement and named the petitioner as one of the co-accused. Ultimately, the present petitioner was arrested on 03.02.2024 and is in custody since then. Even no recovery was effected from the present petitioner and has been wrongly arrested by the police. He further contends that out of total 14 witnesses no witness has been

examined so far.

3. On the other hand, learned State counsel has vehemently opposed the prayer made by learned counsel for the petitioner.

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

5. It is an admitted case of the parties that no recovery was effected from the petitioner and his case is clearly distinguishable from the case of Kamaljit Kaur @ Totti, who has been found carrying the contraband. Still further, the prosecution has not been able to examine even a single witness in the present case and further custody of the petitioner will not serve any meaningful purpose. Even though eight more cases were ordered to be registered against the present petitioner, but 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***.

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.

(viii) The petitioner shall report on every 1st 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.

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.

8. If the petitioner further involves in any case under the provisions of NDPS Act, the present order shall be liable to be re-called only on that ground and the concession of bail granted to the petitioner shall be automatically

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cancelled.

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25.02.2025
hitesh

(N.S.SHEKHAWAT)
JUDGE

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