



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

CRM-M-32869-2024 (O&M)

Date of Decision: 06.03.2025

Soni Singh @ Chamkaur Singh

...Petitioner

vs.

State of Punjab

...Respondent

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

Present : Mr. Hitesh Verma, Advocate
for the petitioner.

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

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the fourth petition under Section 439 Cr.PC with a prayer to grant regular bail to him in case FIR No. 72, dated 21.05.2022, registered under Sections 15,25,29 of NDPS Act, Police Station Dhanaula, District Barnala (Annexure P-1).

2. Learned counsel for the petitioner contends that the FIR was initially registered against Barinder Singh @Raju and Manga Singh, co-accused, who were found to be having 200 Kgs of poppy husk in their conscious possession without any permit or license. The petitioner was nominated as an accused in the present case on the basis of the disclosure statement made by Manga Singh and in pursuant to the said disclosure statement, 03 Kgs of poppy husk was recovered from the petitioner, which is non-commercial quantity. He further contends that the co-accused namely Manga Singh has already been granted the concession of bail by this Court vide

order dated 15.12.2023 (Annexure P-2). Even another co-accused Varinder Singh @ Raju has also been granted the concession of bail by this Court vide order dated 04.11.2024. The petitioner was arrested in the present case on 26.05.2022 and is in custody since then. Since the recovery of contraband from the petitioner is non-commercial in nature, the rigors of Section 37 of the NDPS Act would not apply to the facts of the present case.

3. On the other hand, learned State counsel has vehemently opposed the prayer made by learned counsel for the petitioner on the ground that 03 more FIRs have been ordered to be registered against the present petitioner and he is a habitual offender. However, out of these three cases, he has already been acquitted in one case.

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

5. In the present case, no doubt serious allegations have been levelled against the present petitioner and he is involved in three more cases, but this Court is conscious of the fact that the petitioner is in custody for the last more than two years and 10 months. Main accused Varinder Singh @ Raju and Manga Singh have already been admitted to bail. Thus, further custody of the petitioner will not serve any meaningful purpose.

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.

8. Pending application if any, stands, disposed of, accordingly.

(N.S.SHEKHAWAT)
JUDGE

06.03.2025
hitesh

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