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

CRM-M-33892-2025

Date of Decision: 08.07.2025

REKHA RANI ALIAS LEKHI AND ANOTHER

...PETITIONERS

VS.

STATE OF PUNJAB

...RESPONDENT

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

Present : Mr. Kamal Narula, Advocate
for the petitioners.

Mr. Ravneet Singh Joshi, Deputy, A.G., Punjab.

N.S.Shekhawat J. (Oral)

1. The petitioners have filed the present petition under Section 483 of BNSS with a prayer to grant regular bail to them in case FIR No.32 dated 30.03.2025, registered under Sections 21, 29 of NDPS Act, Police Station Vairoke, District Fazilka.

2. Learned counsel for the petitioners contends that as per the allegations levelled by the prosecution, 35 grams of heroin was recovered from the petitioners and their co-accused. He further contends that the recovery of contraband from the petitioners is non-commercial in nature and the rigours of Section 37 may not apply to the facts and circumstances of the case. Learned



counsel further submits that the challan has already been presented against them and no witness has been examined so far.

3. On the other hand, learned State counsel has vehemently opposed the prayer made by the learned counsel for the petitioners on the ground that 05 other cases have been ordered to be registered against the petitioners, including 03 cases of NDPS Act and they do not deserve the concession of bail by this Court.

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

5. No doubt, the petitioners are found involved in 05 other criminal cases, but the same is not the ground to deny the concession of bail to the petitioners, specially when they have been able to make out a case for grant of bail in the peculiar facts and circumstances of the present case. Reliance can also be placed in the matter of ***Prabhakar Tewari Vs. State of U.P., and another 2020(1) R.C.R. (Criminal) 831*** in which the Hon'ble Supreme Court 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.***

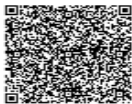
6. In the present case, the petitioners are stated to be in custody for the last more than 03 months and challan has already been presented against them. Thus, the further custody of the petitioners will not serve any useful purpose.

7. Without commenting on the merits of the case, the present petition is allowed. The petitioners are ordered to be released on bail pending trial on



their 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 petitioners 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 their to disclose such facts to the Court or to any other authority.*
- (ii) The petitioners shall remain present before the Court on the dates fixed for hearing of the case.*
- (iii) The petitioners shall not absent themselves from the Court proceedings except on the prior permission of the Court concerned.*
- (iv) The petitioners shall surrender their passports, if any, (if already not surrendered), and in case they are not holder of the same, they shall swear an affidavit to that effect.*
- (v) The petitioners shall also file their affidavit before the concerned Court, mentioning his ordinary place of residence and number of mobile phone, which shall be used by them during the pendency of the trial. In case of change of place of residence/mobile number, they shall share the details with the concerned Court/learned Trial Court.*
- (vi) In case, the petitioners are 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 local sureties and may also impose any other condition, in accordance with law, while accepting the bails bonds and surety bonds of the petitioners.*
- (viii) The petitioners shall report every 1st Monday in English calander month before the concerned SHO till the conclusion of the trial and SHO shall mark their presence by making an entry in the Rojnamcha. In case, they do not report on every 1st Monday before the concerned SHO, it shall be viewed seriously and the*



concession granted to them shall be liable to be cancelled and the State of Punjab shall be at liberty to move an appropriate application in this regard.

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

08.07.2025
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(N.S. SHEKHAWAT)
JUDGE

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