



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

105

CRM-M-35465-2025 (O&M)
DATE OF DECISION: 09.07.2025

ROHIT MEHTA

...PETITIONER

Versus

STATE OF PUNJAB

... RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. D.S. Saini, Advocate for the petitioner(s).

Mr. Jastej Singh, Addl. A.G, Punjab.

SANDEEP MOUDGIL, J (ORAL)**1. Prayer**

This petition has been filed under Section 482 of the BNSS, 2023 for grant of anticipatory bail to the petitioner in case FIR No. 32, dated 16.04.2025, under Section 22 of NDPS Act of 1985 (Section 29 of NDPS Act added lateron), Police Station Behram, District SBS Nagar (Annexure P-1).

2. Contentions**On behalf of the petitioner**

Learned counsel for the petitioner has argued that the petitioner has been falsely implicated in the present case. He submits that as per the version of prosecution, four strips containing 10 intoxicating tablets each make Alprazolam IP 0.5 mg and Alprasafe 0.5 total 40 tablets were got recovered from co-accused Ravi Kumar and



during investigation, on the basis of disclosure statement of co-accused Ravi kumar, the petitioner has been nominated as supplier of that contraband. It is his contention that co-accused Ravi Kumar has already been granted regular by the learned Judge (Special Court), SBS Nagar vide order dated 04.07.2025 Annexure P-2. He has further argued that nothing has been recovered from the possession of petitioner and as per the FSL, the ingredients present in the said tablets is Alprazolam and total weight of these tablets comes out to be 4.92 grams which falls under the 'small quantity.'

Learned counsel for the petitioner undertakes that the petitioner is ready and willing to join the investigation and cooperate with the investigating officer.

Notice of motion.

On behalf of the State

Learned State Counsel appearing on advance notice on instructions from Investigating officer vehemently opposes the prayer for grant of concession of anticipatory bail stating that the petitioner is a habitual offender as he is involved in many other FIRs of similar nature.

3. Analysis

Be that as it may, after given a thoughtful consideration to the submissions as made, by the counsel for both the parties to the effect that nothing has been recovered from the conscious possession of the petitioner, the alleged recovery has been effected from co-accused who has already been granted regular by the learned Judge (Special Court), SBS Nagar vide order dated 04.07.2025 Annexure P-2, hence, this



Court finds no reason to deny the petitioner the concession of anticipatory bail, wherein the petitioner has bona fide intentions and is willing to join the investigation and cooperate for furtherance of the same so that the final report can be submitted by the Investigating Agency within the stipulated time period.

As far as the pendency of other cases and involvement of the petitioner in other cases is concerned, reliance can be placed upon the order of this Court rendered in CRM-M-25914-2022 titled as “*Baljinder Singh alias Rock vs. State of Punjab*” decided on 02.03.2023, wherein, while referring Article 21 of the Constitution of India, this Court has held that no doubt, at the time of granting bail, the criminal antecedents of the petitioner are to be looked into but at the same time it is equally true that the appreciation of evidence during the course of trial has to be looked into with reference to the evidence in that case alone and not with respect to the evidence in the other pending cases. In such eventuality, strict adherence to the rule of denial of bail on account of pendency of other cases/convictions in all probability would land the petitioner in a situation of denial of the concession of bail.

4. Relief

Hence, in view of the admitted set of circumstances before this Court, the petitioner is hereby directed to be released on anticipatory bail subject to him joining investigation and reporting to the Investigating Officer concerned within a period of one week from today, on furnishing of personal/surety bonds to the satisfaction of Arresting/Investigating Officer. The petitioner shall also abide by the



terms and conditions as envisaged under Section 482(2) of BNSS of which are reproduced below :-

‘When the High Court or the Court of Session makes a direction under sub-section (1), it may include such conditions in such directions in the light of the facts of the particular case, as it may think fit, including-

- (i) a condition that the person shall make himself available for interrogation by a police officer as and when required;*
- (ii) a condition that the person 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 from disclosing such facts to the Court or to any police officer;*
- (iii) a condition that the person shall not leave India without the previous permission of the Court;*
- (iv) such other condition as may be imposed under sub-section (3) of section 480, as if the bail were granted under that section.’*

However, it is made clear that in case the petitioner does not comply with the aforesaid direction of joining the investigation within one week, the order passed by this Court today shall automatically stand cancelled.

The petition in the aforesaid terms stand allowed.

(SANDEEP MOUDGIL)
JUDGE

09.07.2025
anuradha

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