

2025:PHHC:104806



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

265

CRM M-42672 of 2025

Date of Decision: 12.08.2025

Sanjeev @ Shiva

...Petitioner

Versus

State of Haryana

... Respondent

CORAM : HON'BLE MR. JUSTICE N.S.SHEKHAWAT

Present : Mr. Harshit Ahuja, Advocate, for the petitioner.

Mr. B.S. Saroha, DAG, Haryana.

N.S.SHEKHAWAT, J. (Oral)

1. The petitioner has filed the instant petition under Section 483 of B.N.S.S., 2023 with a prayer to grant a regular bail in case FIR No.499 dated 15.09.2023 registered under Sections 15(b) and 27-A of the Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station City Fatehabad, District Fatehabad.

2. Learned counsel for the petitioner contends that as per the case of the prosecution two co-accused namely, Vicky @ Amit Kumar and Shiva @ Bhunda were arrested by the police while they were carrying 11.10 grams of heroin. In fact, quantity and contraband recovered from the co-accused was known criminals and the rigours of Section 37 of the NDPS Act would apply to the facts and circumstances of the present case. During investigation, the petitioner

was arrested on 10th January 2024 and is in custody since then. However, no recovery was effected from him. Learned counsel refers to the order dated 09.10.2023 passed by the Special Judge (Annexure P-2)m, Fatehabad, whereby, the concession of bail has been allowed to Vikcy @ Amit Kumar and Shiva @ Bhunda, co-accused. Learned counsel further submits that even though 13 more cases have been registered to be registered against him but he is on bail in all the cases. Even, the prosecution has only examined 04 witnesses out of 13 witnesses so far and the trial may not conclude in near future.

3. On the other hand, learned State counsel has vehemently opposed the prayer made by the learned counsel for the petitioner on the ground that the petitioner is a habitual offender and the petitioner is not entitled for the concession of regular bail.

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

5. Even though, 13 more criminal cases have been registered against the petitioner, but in the present case, the petitioner has been able to make out a case for grant of bail in the facts and circumstances of the present case. It has been held by 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*** that petitioner can never be confined in jail for an indefinite period as 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.*** Still further, in the present case, the petitioner is in custody for such a long period.

6. Still further, the petitioner was arrested in the present case on 10.01.2024 and the petitioner is in custody for the last 01 year and 07 months. However, no recovery was effected from him. Moreover, main accused namely, Vikcy @ Amit Kumar and Shiva @ Bhunda, have already been admitted to bail by the Court of Special Judge, Fatehabad, vide order dated 09.10.2023 (Annexure P-2).

7. In view of the above, without commenting any further on the merits, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate/CJM concerned 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 gets involved in any other criminal activity, during the pendency of the trial, it shall be viewed seriously and the prosecution shall be at liberty to move an appropriate application for cancellation of bail granted to the present petitioner.*

(vii) *The concerned Court may insist two heavy local surties 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 every 1st and 3rd Monday in English calendar month before the concerned SHO till the conclusion of the trial and SHO shall mark his presence by making an entry in the Rojnamcha. In case, he does not report on every 1st and 3rd Monday before the concerned SHO, it shall be viewed seriously and the concession granted to him shall be liable to be cancelled and the State of Haryana*

*shall be at liberty to move an appropriate application
in this regard.*

12.08.2025
amit rana

(N.S.SHEKHAWAT)
JUDGE

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