

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-54253-2024
Reserved on: 05.05.2025
Pronounced on: 13.05.2025

Bikram Bhatti @ Vicky

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Narinder Lucky, Advocate for the petitioner.

Mr. Akshay Kumar, A.A.G, Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
163	16.07.2022	Tanda, District Hoshiarpur	22, 29 of NDPS Act

1. The petitioner incarcerated in the FIR captioned above had come up before this Court under Section 439 CrPC, seeking regular bail.

2. As per paragraph 11 of the status report, the accused has the following criminal antecedents:

Sr. No.	FIR No.	Date	Offenses	Police Station
1.	164	12.12.2018	452, 506, 148, 149 IPC	Bulalowal, District Hoshiarpur
2.	143	24.09.2019	22/29/61/85 NDPS Act	Bulalowal, District Hoshiarpur
3.	52	11.04.2020	452, 323, 341 IPC	Bulalowal, District Hoshiarpur
4.	19	01.02.2012	22/29/61/85 NDPS Act	Bulalowal, District Hoshiarpur
5.	44	01.04.2022	22/29/61/85 NDPS Act	Bulalowal, District Hoshiarpur
6.	37	25.04.2015	363, 366-A IPC	Bulalowal, District Hoshiarpur
7.	151	10.11.2017	323, 324, 295-A, 506, 34 IPC	Bulalowal, District Hoshiarpur
8.	95	25.07.2014	22/29/61/85 NDPS Act	Bhogpur, District Jalandhar
9.	118	09.07.2024	21/61/85 NDPS Act	Bulalowal, District Hoshiarpur
10.	196	15.11.2022	21/61/85 NDPS Act	Bulalowal, District Hoshiarpur

3. The facts and allegations are being taken from the translated copy of FIR (Annexure P-1) which reads as follows:

“SHO, PS Tanda, Jai Hind, Today I ASI along with ASI Yadwinder Singh 1644/Hsp, Senior Constable Surinder Singh 880/Hsp, PHG Parghat Singh 25921, were going towards village Dattan, Village Hambra, Village Kaloa etc. from Police Post Saran regarding Patrolling and checking of anti-social elements. When the police party reached

near Bus Stop Saran, then the secret informer gave information that Surjit Singh @ Soma S/o Sohan Lal resident of Hambra, PS Tanda, District Hoshiarpur, who is engaged in the business of selling intoxicant substance. Who is coming from his home at village Hambra to Bus Stop Saran. If, Patrolling is done at from Tanda to Hoshiarpur Main GT Road village Dhattan near bridge then heavy intoxicant substance can be recovered. The information being authentic and trustworthy, I ASI along with Co-employees reached main GT road village Dhattan near bridge. One person was seen coming, identity as disclosed by secret informer by foot from the side of village Hambaran. After seeing the Police party, he suddenly tried to turn back. On the basis of suspicion, I with the help of co-employees caught hold of him and inquire about his name and address. He disclosed his name as Surjit Singh @ Soma son of Sohan Lal Resident Hambra Police Station Tanda District Hoshiarpur. I disclosed him my identity that I am that ASI Rajesh Kumar Incharge Police Post Sara Police station Tanda posted. I am in uniform and the name plate is attached and told him that I suspect that you have narcotic substances which you and your Search is to be conducted, but you have the legal right that you can get your search conducted from any Magistrate or from any a gazetted officer on the side, they can be arranged on the spot. Upon which I served a separate notice U/s 50 NDPS to Surjit Singh @ Sema. The Surjit Singh @ Soma said that I trust you and you can search me. A separate consent memo of the said Soma was prepared for and before conducting search of above said Surjit Singh @ Soma, efforts were made to join public witness to the police party. But each person expressed his own unwillingness and no one joined the police party. Thereafter, I, ASI in the presence of fellow employees conducted search of Surjit Singh @ Soma. A heavy black polythene was recovered from the right pocket of the black colored lower that he was wearing. Which was opened and checked. In which according to the statement of Surjit Singh @ Soma, narcotics were recovered. Which was weighed on computerized weighing machine, which was 176 grams of narcotic substance. At the same time, the same was put it in a plastic container and after preparing the parcel, the same was marked with his seal letter RK and the same was taken into Police custody vide separate memo. A sample of seal was prepared separately. After use the seal same was handed over to ASI Yadwinder Singh 1644/Hsp. Surjit Singh @ Soma has committed the crime U/S 22-61-85 NDPS Act by keeping in possession 176 grams of narcotic substance.”

4. The petitioner's counsel prays for bail by imposing any stringent conditions and contends that pre-trial incarceration would cause an irreversible injustice to the petitioner and their family.

5. The State's counsel opposes bail and refers to the reply. It would be appropriate to refer following portions of the reply dated 07.02.2025, which reads as follows:

“Role of the petitioner, evidence against him and recovery if any:

10. That the present case was registered against the co-accused Surjit Singh @ Soma on recovery of 176 grams intoxicants from him. The petitioner and others were nominated in the present case and offence under Section 29/61/85 was added to the present case subsequently on the basis of disclosure statement of the co-accused Surjit Singh @ Soma that the petitioner is supplier of intoxicants and he and others used to purchase intoxicants from the petitioner. Earlier the petitioner was granted anticipatory bail and he joined investigation in the present case on 30.09.2022 and he was released on furnishing bail bonds as per direction of the Court of Ld. ASJ Hoshiarpur but no recovery was effected from him in the present case. The petitioner absented during the trial and he was declared PO in the present case and the petitioner was re-arrested in the present case on 23.10.2023.”

REASONING:

6. The petitioner was nominated on the basis of disclosure statement of co-accused, nothing was recovered from the possession of petitioner. Initially, the petitioner was granted anticipatory bail; however, he failed to appear, which led to the cancellation of the bail vide order dated 10.10.2023 and was declared proclaimed offender on 18.03.2024, passed by Special Court, Hoshiarpur. Subsequently on 23.10.2024, the petitioner was produced by the police on production warrants, as such, he was arrested in the present case on 23.10.2024, since then he is in custody.

7. The petitioner was earlier granted interim bail, and as such, this court is inclined to grant bail subject to the strict condition that the petitioner shall not remain absent from the trial even on a single day.

8. Given the penal provisions invoked viz-a-viz pre-trial custody, coupled with the prima facie analysis of the nature of allegations, and the other factors peculiar to this case, there would be no justifiability for pre-trial incarceration at this stage, subject to the compliance of terms and conditions mentioned in this order.

9. Without commenting on the case's merits, in the facts and circumstances peculiar to this case, and for the reasons mentioned above, the petitioner makes a case for bail.

CONDITIONS:

10. Given above, provided the petitioner is not required in any other case, the petitioner shall be released on bail in the FIR captioned above subject to furnishing bonds to the satisfaction of the concerned Court and due to unavailability before any nearest Ilaqa Magistrate/duty Magistrate. Before accepting the surety, the concerned Court must be satisfied that if the accused fails to appear, such surety can produce the accused.

11. While furnishing a personal bond, the petitioner shall mention the following personal identification details:

1.	AADHAR number	
2.	Passport number (If available) and when the attesting officer/court considers it appropriate or considers the accused a flight risk.	
3.	Mobile number (If available)	
4.	E-Mail id (If available)	

12. This order is subject to the petitioner's complying with the following terms.

13. The petitioner shall attend the Trial on every date and shall not seek any adjournment.

14. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.

15. A certified copy of this order would not be needed for furnishing bonds, and any Advocate for the Petitioner can download this order along with case status from the official web page of this Court and attest it to be a true copy. If the attesting officer wants to verify its authenticity, such an officer can also verify its authenticity and may download and use the downloaded copy for attesting bonds.

16. **Petition allowed** in terms mentioned above. All pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

13.05.2025
Jyoti-II

Whether speaking/reasoned: Yes
Whether reportable: No.