



CRM-M-58450-2024

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

203

CRM-M-58450-2024 (O & M)  
Date of decision: 29.01.2025

Ravi alias Ravi Kumar alias Bhaiya

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. L.S.Sekhon, Advocate and  
Ms. Nitika Sekhon, Advocate,  
for the petitioner.

Mr. R.S.Budhwar, Addl. A. G. Haryana.

\*\*\*\*

**AMAN CHAUDHARY, J. (ORAL)**

1. Prayer in the present petition filed under 439 Cr.P.C., is for grant of regular bail to the petitioner in FIR No.210 dated 26.08.2021, registered under Sections 15-B, 27-A, 29 and 31 NDPS Act, 1985, at Police Station City Ratia, District Fatehabad.

2. Learned counsel contends that the petitioner is in custody for 1 year and about 5 months. He has been falsely implicated in the case. His name surfaced in the disclosure statement made by co-accused Satnam Singh @ Sattu from whom non-commercial quantity of contraband was recovered and against him, there were two other cases of similar nature and one under the Excise Act, has been granted bail by this Court, vide order dated 23.02.2022, Annexure P-6, after being in custody



CRM-M-58450-2024

for 6 months. Charges have been framed on 13.10.2023, however, out of 18 prosecution witnesses; only 4 have been examined so far. The petitioner is involved in three other cases under the same Act, out of which the sentence awarded to him in two cases has been suspended and in one case, he is facing trial. Reliance is placed on the judgment of Hon'ble the Supreme Court in **Maulana Mohd. Amir Rashadi vs. State of U.P. and others**, 2012(2) SCC 382.

3. The custody certificate dated 27.01.2025, filed by the learned State counsel, is taken on record, as per which, the petitioner is behind bars for 1 year, 04 months and 27 days.

4. Learned State counsel opposes the bail on the ground that the petitioner was specifically named by the co-accused from whom recovery of contraband had been effected and is involved in more cases. He is, however, unable to controvert the submissions made regarding the stage of the case, co-accused having been enlarged on bail and as regards the submission relating to the other cases is concerned.

5. Heard.

6. Hon'ble the Supreme Court in the case of **Maulana Mohd. Amir Rashadi** (Supra) had held that, "As observed by the High Court, merely on the basis of criminal antecedents, the claim of the second respondent cannot be rejected. In other words, it is the duty of the Court to find out the role of the accused in the case in which he has been charged and other circumstances such as possibility of fleeing away from the jurisdiction of the Court etc."



CRM-M-58450-2024

7. Considering the facts and circumstances of the case, in particular that the petitioner is languishing in jail for 1 year, 4 months and 27 days; charges were framed on 13.10.2023; out of 18, only 4 witnesses have been examined so far; the co-accused having been enlarged on bail; the trial is likely to take a considerable time, thus further incarceration of the petitioner would be violative of his right enshrined under Article 21 of the Constitution of India and the rigors of Section 37 of NDPS Act can be diluted bearing in mind the right to a speedy trial, thus, the present petition for grant of regular bail deserves to be allowed.

8. As a result, the present petition is allowed. The petitioner is ordered to be released on regular bail, subject to his furnishing bail/surety bonds to the satisfaction of trial Court/Duty Magistrate concerned and subject to his not being required in any other case. The petitioner shall abide by the following conditions:-

- (i) The petitioner will not tamper with the evidence during the trial.
- (ii) The petitioner will not pressurize/ intimidate the prosecution witnesses.
- (iii) The petitioner will appear before the trial Court on each and every date fixed, unless is exempted by a specific order of Court.
- (iv) The petitioner shall not commit an offence similar to the offence of which, he is an accused, or for commission of which he is suspected of.
- (v) The petitioner shall not directly or indirectly coerce, induce, threaten or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer or tamper with the evidence in any manner.
- (vi) The petitioner shall not in any manner misuse



CRM-M-58450-2024

his liberty.

- (vii) The petitioner shall furnish his address and mobile number to the Trial Court forthwith and shall not change the same till the conclusion of the trial and in case for any reason, the petitioner seeks to change any of the aforesaid, the same shall be done only with prior intimation to the learned Trial Court, stating the reason for the same.
- (viii) The petitioner shall not leave the country without prior permission of the trial Court.
- (ix) The trial Court/Duty Magistrate may impose any other condition, as deemed appropriate while releasing the petitioner.

9. It is made abundantly clear that in case there is any breach of the aforesaid conditions, the State shall be at liberty to seek cancellation of bail as granted to the petitioner by this order.

10. In view of the above, it is clarified that the observations made herein are limited for the purpose of present proceedings and would not be construed as an opinion on the merits of the case and the trial would proceed independently of the aforesaid observations.

29.01.2025

parveen kumar

(AMAN CHAUDHARY)  
JUDGE

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