

2025:PHHC:005076



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

234

CRM M-53844 of 2024

Date of Decision: 15.01.2025

Rajvir Singh @ Raja

...Petitioner

Versus

State of Punjab

... Respondent

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

Present : Mr. Satnam Singh Gill, Advocate, for the petitioner.

Mr. Deepinder Singh Brar, Sr. DAG, Punjab.

N.S.SHEKHAWAT, J. (Oral)

1. The petitioner has filed the instant petition under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 with a prayer to grant regular bail in case FIR No.57 dated 22.06.2024 registered under Sections 21 and 29 of NDPS Act, 1985, at Police Station Longowal, District Sangrur.

2. Learned counsel for the petitioner contends that the petitioner was not named in the FIR in the present case and has been nominated as an accused only on the basis of the disclosure statement made by Nirmal Singh @ Nimma, co-accused. Thus, there is no legally admissible evidence against him. He further contends that even during the course of investigation, the police could not collect any evidence to connect the petitioner with his co-accused, namely,

Nirmal Singh @ Nimma, from whom, the contraband has been recovered. He further contends that no recovery has been effected from the present petitioner and he is in custody since 01.07.2024. Learned counsel further submits that similarly placed co-accused Gurdeep Singh has already been admitted to the bail by this Court vide order dated 11.09.2024 (Annexure p-2). Thus, further custody of the petitioner will not serve any meaningful purpose.

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 there are serious allegations against the petitioner; four other cases were also registered against him under the NDPS Act 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. Admittedly, no recovery was effected from the present petitioner in the present case and he is custody since 01.07.2024. Moreover, the co-accused, Nirmal Singh @ Nimma, from whom recovery was effected, is still in custody. Thus, there is no useful purpose to keep the petitioner behind bars.

6. 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 Monday in English calander 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 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 Punjab shall be at liberty to move an appropriate application in this regard.

15.01.2025

amit rana

(N.S.SHEKHAWAT)

JUDGE

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