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

CRM-M-2608-2025

Date of Decision:30.04.2025

JATINDER KUMAR @ SUNNY

...PETITIONER

VS.

STATE OF PUNJAB

...RESPONDENT

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Ms. Pushpinder Kaur, Advocate for
Mr. Sandeep Singh Jattan, Advocate
for the petitioner.

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

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the present petition under Section 483 of BNSS with a prayer to grant regular bail to him in case FIR No.74 dated 21.06.2024, registered under Sections 22-B & 29 of the Narcotic Drugs & Psychotropic Substance Act 1985, Police Station City Nakodar, District Jalandhar.

2. Learned counsel for the petitioner contends that a police party led by ASI Hans Raj had apprehended Lakhvir Singh @ Lucky, co-accused while he was carrying 330 tablets/capsules, without any lawful authorization and was arrested by the police on 21.06.2024 itself. As per the prosecution, Lakhvir Singh @ Lucky suffered a disclosure statement in police custody and the



petitioner was also nominated as an accused in the present case and the offence under Section 29 of the NDPS Act was added. Learned counsel further contends that the petitioner was arrested in the present case on 05.08.2024 and is in custody for the last more than 08 months. However, after the arrest of the petitioner, no recovery was effected from him.

3. On the other hand, learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner on the ground that 05 more criminal cases of similar nature were ordered to be registered against him and he does not deserve the concession of bail by this Court. However he admits that the prosecution has cited 12 witnesses in the present case, but no witness has been examined so far. He also admits that no recovery was effected from him and his case is clearly distinguishable from the case of Lakhvir Singh @ Lucky.

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

5. No doubt the petitioner is found involved in 05 other criminal cases, but the same is not the ground to deny the concession of bail to the petitioner, specially when he has been able to make out a case for grant of bail in the peculiar facts and circumstances of the present case. Reliance can also be placed in the matter of *Prabhakar Tewari Vs. State of U.P., and another 2020(1) R.C.R. (Criminal) 831* in which the Hon'ble Supreme Court has held that 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*.



6. The petitioner was arrested in the present case more than 08 months ago and no recovery has been effected from him. Further the trial has not even formally started against the petitioner. Thus, the further custody of the petitioner will not serve any useful purpose.

7. Without commenting on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail pending trial on his furnishing bail bonds and surety to the satisfaction of the concerned trial Court/ Duty Magistrate/Chief Judicial Magistrate 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 is 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 on two heavy local sureties 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.

8. In case, the petitioner violates any of the conditions mentioned above, it shall be viewed seriously and the concession of bail granted to him shall be liable to be cancelled and the prosecution shall be at liberty to move an application in this regard.

30.04.2025
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(N.S. SHEKHAWAT)
JUDGE

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