



case the police had arrested Hukama Ram, co-accused and 90 sacks containing 1800 Kgs of poppy husk was recovered from his conscious possession on 24.04.2024. He further contends that the petitioner was neither named in the FIR nor there is any averment in the FIR, which even remotely connects the petitioner with the commission of crime. In fact, the petitioner was earning his livelihood by working as an agriculturist and from dairy farming. Even, the house of the petitioner was raided and no recovery was effected from the present petitioner. Later on, the police had shown the recovery of Rs.6,50,000/- and Rs.50,000/- i.e. total Rs.7,00,000/- from the petitioner and it was wrongly alleged that the said amount was earned by him from the drug trade. Learned counsel further contends that in fact, the petitioner was keeping 5/10 buffaloes at a time for his dairy business and was also running a small cloth shop. Apart from that, he was maintaining different bank accounts in different banks and he had arranged the money for sending his daughter abroad and the money was withdrawn from various bank accounts. The petitioner was arrested in the present case 21.06.2024 and is in custody since then.

3. On the other hand learned counsel appearing on behalf of the petitioner Lakhwinder Singh @ Gaggu (petitioner in CRM-M-55952-2024) has also raised similar submissions and submitted that the petitioner was wrongly arrested by the police on 08.08.2024 and even no recovery was effected from him and has been falsely involved. Only two witnesses out of total 25 witnesses have been examined so far.

4. On the other hand, learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner(s) on the ground that



Lakhwinder Singh @ Gaggu (petitioner in CRM-M-55952-2024) is involved in three more cases, whereas, Jasveer Singh @ Seera (petitioner in CRM-M-45512-2024) is involved in five more cases.

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

6. No doubt some more cases have been registered against the present petitioners, but the same does not serve as a ground to deny the concession of bail to the petitioners in the present case, especially when they have been able to make out a case for grant of bail in the present case. Thus, the petitioners can never be confined in jail for an indefinite period as 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** 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**.

7. In the present case, the police has allegedly recovered a sum of Rs.7,00,000/- from Jasveer Singh @Seera (petitioner in CRM-M-45512-2024), whereas, no recovery was effected from Lakhwinder Singh @ Gaggu (petitioner in CRM-M-55952-2024). The prosecution is yet to lead evidence with regard to the involvement of the petitioners in the present case. It is an admitted case that no contraband has been recovered from both of the petitioners and their case is clearly distinguishable from the case of Hukama Ram, from whom 1800 Kgs of poppy husk was recovered.



8. Without commenting on the merits of the case, the present petition(s) is allowed. The petitioners are ordered to be released on bail pending trial on their 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 petitioners 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 petitioners shall remain present before the Court on the dates fixed for hearing of the case.

(iii) The petitioners shall not absent themselves from the Court proceedings except on the prior permission of the Court concerned.

(iv) The petitioners shall surrender their passports, if any, (if already not surrendered), and in case they are not holder of the same, they shall swear an affidavit to that effect.

(v) The petitioners shall also file their affidavits before the concerned Court, mentioning their ordinary place of residence and number of mobile phone, which shall be used by them during the pendency of the trial. In case of change of place of residence/mobile number, they shall share the details with the concerned Court/learned Trial Court.

(vi) In case, the petitioners are involved in any other criminal activity, during the pendency of the trial, it shall be viewed seriously.

(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 petitioners.

9. In case, the petitioners violates any of the conditions mentioned



above, it shall be viewed seriously and the concession of bail granted to them shall be liable to be cancelled and the prosecution shall be at liberty to move an application in this regard.

10. Pending application(s), if any, stand(s), disposed of, accordingly.

(N.S.SHEKHAWAT)
JUDGE

24.02.2025

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