



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

224

CRM-M-3622-2025
Decided on : 28.01.2025

Bharat

... Petitioner(s)

Versus

State of Punjab

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. Bhrigu Dutt Sharma, Advocate
for the petitioner(s).

Mr. Amandeep S. Samra, AAG, Punjab.

SANJAY VASHISTH, J. (Oral)

1. The instant petition has been filed under Section 483 of BNSS, 2023, for grant of regular bail to the petitioner – Bharat, who has been booked for having committed the offence punishable under Sections 20, 21(c), 27-A and 29 of NDPS Act and Section 25 of the Arms Act, 1959 (Sections 2, 9, 39, 44, 48-A, 49, 49-A, 49-B, 50 & 51 of the Wild Life Protection Act, 1972 has been added later on), in case FIR No. 147, dated 20.09.2024, registered at Police Station Special Task Force, Police District STF Wing, SAS Nagar (Mohali), during the pendency of trial.

2. Learned counsel for the petitioner submits that on the basis of secret information, raid was conducted at the house of Rinku Thapar, where total five accused were sitting including the present petitioner - Bharat. Further submits that even as per the case of prosecution, no recovery was effected from the petitioner and he, being not found ever involved in similar activities in the past, cannot be said to be part of the alleged conspiracy.



Therefore, till the decision of the case, it cannot be adjudicated whether narcotic contraband, which has been recovered from the other co-accused sitting in the house, was in the conscious possession of the petitioner or not, without the knowledge of any such contraband with the other co-accused.

3. Learned counsel further submits that the petitioner is in the jail since 20.09.2024 and is not required for any purpose by the investigating agency and the co-accused, namely; Pratham Hans, has already been granted concession of regular bail by this Court vide order dated *15.01.2025*, passed in *CRM-M-59943-2024*, titled as, *"Pratham Hans vs. State of Punjab"*, (Annexure P-4). Thus, counsel for the petitioner prays for the concession of regular bail to the petitioner.

4. *Per contra*, learned State counsel while opposing the submissions made by learned counsel for the petitioner, submits that petitioner being an active member of the group, which is involved in the business of illegal activities falling under the crimes relating to NDPS Act, cannot be termed as innocent person, while sitting in the house of Rinku Thapar (co-accused).

However, he does not dispute the fact of incarceration or the petitioner not being involved in any other case of a similar nature.

5. I have considered the submissions addressed by both the sides and also examined the record available on the case file.

6. Admittedly, no contraband or any other material has been recovered from the possession of the petitioner at the time of conducting the raid or arresting him. Thus, it appears that simply from being present in the house of Rinku Thapar, learned State counsel wants to build up a case against the petitioner falling within the ambit of NDPS Act. This Court



finds that *prima facie*, the submissions addressed by the counsel for the petitioner convincing for the purpose of examining liberty of the petitioner, until substantial evidence is adduced by the prosecution. For indefinite period and only on assumptions of involvement in the crime, the petitioner cannot be kept behind bars.

7. Consequently, the prayer made in the present petition is **allowed**. Petitioner is ordered to be released on bail in this case, subject to his furnishing bail/surety bonds to the satisfaction of the learned Trial Court/ Chief Judicial Magistrate/ Illaqa Magistrate/ Duty Magistrate concerned, if not required in any other case.

8. It is made clear that the petitioner shall not extend any threat and shall not influence any prosecution witnesses in any manner directly or indirectly.

9. The observation made here-in-above shall not be construed as an expression on the merits of the case and the Trial Court shall decide the case on the basis of evidence available on record.

10. It is further made clear that if in future petitioner is found indulged in similar kind of activities, prosecution would be at liberty to seek cancellation of bail in the present case.

11. Petition stands disposed of.

(SANJAY VASHISTH)
JUDGE

January 28, 2025

J.Ram

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No