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

(1)

CRM-M-3704-2022

Date of decision:21.07.2022

SEEMA RANI

...Petitioner

Versus

STATE OF PUNJAB

...Respondent

(2)

CRM-M-6141-2022

GURMEET SINGH

...Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR

Present: Mr. V.S. Mahal, Advocate
for the petitioner(s).

Mr. M.S. Nagra, Asst. A.G. Punjab.

SURESHWAR THAKUR, J. (ORAL)

1. Both these bail petitions cast, under Section 438 Cr.P.C., are being disposed of through a common order, as they arise from a common FIR.

2. In FIR No.184 of 19.11.2021, registered at Police Station Sardulgarh, District Mansa, offences constituted under Sections 21, and, 29 of NDPS Act, are embodied.

3. Through orders made respectively, on 03.02.2022, and, on 14.02.2022, upon bail petitions (supra), this Court had granted ad-interim bail to the present bail petitioner(s).

4. From the alleged conscious, and, exclusive possession of principal accused Gurmeet Singh, the investigating officer concerned, at the crime site,

made recovery of 25 grams of heroin. During the course of the custodial

interrogation of the above principal accused, he made a disclosure statement, to the investigating officer concerned, revealing therein, that he had made the purchase of the seizure, from co-bail petitioner Seema Rani. Therefore, the co-bail petitioner Seema Rani becomes amenable for hers facing trial, rather as a conspirator in the petition crime along with the principal accused.

5. Be that as it may, since the weight of the seizure makes it fall within the ambit of non-commercial quantity thereof, and, obviously hence, when the rigors of Section 37 of the NDPS Act are not applicable thereons, thereupon, the bail petitioners become entitled to theirs being admitted to anticipatory bail.

6. The learned State counsel opposes the grant of regular bail to co-petitioner Gurmeet Singh, and, submits that the indulgence of regular bail may not be accorded to him, as he is a habitual offender, and, in case he becomes admitted to anticipatory bail, thereupon, there is every likelihood of his fleeing from justice, and, tampering with prosecution evidence, and, also his influencing prosecution witnesses, besides his re-indulging in criminal activities.

7. Be that as it may, the imposition of stringent conditions, is rather deemed fit and appropriate, for being imposed upon the co-bail petitioner Gurmeet Singh, necessarily as a measure to allay, the apprehension (supra), as becomes reared by the learned State counsel.

8. In summa both the petitions are allowed, and, the orders as made, by this Court respectively, on 03.02.2022, and, on 14.02.2022, are made absolute on the same terms, and, conditions, and, also subject to theirs respectively furnishing before the investigating officer concerned, personal, and, surety bonds in the sum of ₹50,000/- each, and, to the satisfaction of the investigating officer concerned, and, also subject to theirs not tampering with prosecution evidence, and, besides theirs not influencing prosecution witnesses,

and, also theirs making the fullest co-operation to the investigating officer concerned, as, and, when required to be rendering their co-operation. Further, subject to the co-bail petitioner Gurmeet Singh making an undertaking before the learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned, that in case, he re-indulges in criminal activites, whereupon, on breach thereof, the order made today, shall become *ipso facto* annulled qua him, and, upon his being forthwith arrested by the investigating officer concerned, the latter shall produce the co-bail petitioner before the trial Court concerned, for the latter making an order for his being put to judicial custody.

9. Copy dasti.

21.07.2022

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(SURESHWAR THAKUR)
JUDGE

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