

205

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

CRM-22347-2022 IN/AND
CRM-M-27717-2022
Date of decision: 04.07.2022

SUKHWANT SINGH ALIAS SUKHA

...Petitioner

Versus

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR

Present: Mr. Rajat Mor, Advocate
for the petitioner.

Mr. Tanuj Sharma, AAG, Haryana.

SURESHWAR THAKUR, J. (ORAL)**CRM-22347-2022**

The instant application has been filed under Rule 3-A(i) of the Chapter 6 Part B volume V of the High Court Rules and Orders for grant of leave for filing the present case without Number of Roll of Advocate which is necessary for filing the fresh case, as per the Notification of this Court, dated 30.05.2022.

For the good and valid reasons recorded in the application, the same is allowed.

CRM-M-27717-2022

1. FIR No.180 of 12.05.2022, constitutes therein offences under Section 18 of NDPS Act, 1985, and, is lodged at Police Station Nissing, District Karnal.

2. In pursuance to the afore lodged FIR at the Police Station (supra), the bail petitioner-applicant is in judicial custody. Consequently, through the instant application cast under Section 439 of the Cr.P.C., he claims relief, for being released from judicial custody.

3. At the crime site, from the alleged conscious and exclusive possession of the present bail petitioner-applicant, the Investigating Officer concerned, effected recovery of opium weighing 234 grams. The learned State counsel, on instructions given to him, by SI Shri Bhagwan submits, that the weight of the above seizure makes it fall within the ambit of non-commercial quantity thereof. Therefore, the rigors of Section 37 of the NDPS Act are not applicable thereons, and, the bail applicant is entitled to his being admitted to bail.

4. However, he submits that since the accused-bail applicant, is a habitual offender, hence, the craved for facility of regular bail, in the instant application, be not accorded to him, as, in the event of the facility of regular bail becoming granted to him, 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.

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

6. Consequently, it is not necessary to prolong the judicial incarceration of the bail petitioner-applicant. The instant petition is allowed, and, the bail petitioner-applicant is ordered to be released from judicial custody. However, the granting of bail to the bail petitioner-applicant, is

subject to his furnishing personal, and, surety bonds in the sum of ₹50,000/- each, before the learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned, and, also subject to his not tampering with prosecution evidence, and, his not influencing prosecution witnesses, and, besides also his appearing before the trial Court concerned, as and when directed to make his personal appearance unless validly exempted. Further, subject to the petitioner-bail applicant making an undertaking before the learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned, that in case, he re-indulges in criminal activities, whereupon, on breach thereof, the order made today, shall become *ipso facto* annulled, and, upon his being forthwith arrested by the investigating officer concerned, the latter shall produce the petitioner-bail applicant before the trial Court concerned, for the latter making an order for his being put to judicial custody.

7. Copy dasti.

(SURESHWAR THAKUR)
JUDGE

04.07.2022

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