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

CRM-M-34446-2022 (O&M)

Date of decision:05.08.2022

PARAMJIT SINGH @ PAMMA

...Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR

Present: Mr. Ruhani Chadha, Advocate
for the petitioner.

Mr. Bhupender Beniwal, AAG, Punjab

SURESHWAR THAKUR, J. (ORAL)

CRM-27808-2022

The instant application has been filed under Rule 3-A(i) of 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.

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

CRM-M-34446-2022

1. The petitioner, by filing the present petition cast under Section 438 of Cr.P.C., seeks grant of anticipatory bail in case FIR No.89 of 09.07.2022, registered at Police Station Kot Ise Khan, District Moga, wherein offences constituted, under Sections 15, and, 27(B) of NDPS Act, are embodied.

2. The learned State counsel, on instructions given to him by ASI Nachhattar Singh submits, that though the weight of the relevant seizure inasmuch as, of poppy husk weighing about 3 kgs, does make it fall within the

ambit of non-commercial quantity thereof, thereupon hence, the rigors of Section 37 of the NDPS Act are not applicable thereons, and, the bail petitioner becomes entitled to his being admitted to anticipatory bail.

3. However, the learned State counsel yet vehemently opposes the grant of anticipatory bail to the present bail petitioner, and, submits, that the indulgence of pre-arrest bail may not be accorded to the present bail petitioner, 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.

4. 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 becomes reared by the learned State counsel.

5. In consequence, the present petition is allowed, and, in the event of the arrest of the bail petitioner, the investigating officer may not arrest the bail petitioner, however, subject to his furnishing personal, and, surety bonds in the sum of Rs.50,000/- each, to the satisfaction of the arresting officer, and, also subject to his rendering co-operation to him, in the investigations to be carried into the offences mentioned in the present FIR. Moreover, also with an undertaking, that he shall not tamper with prosecution evidence, and, nor shall influence the prosecution witnesses. 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.

6. Moreover, the present bail petitioner shall also, before, and, to the satisfaction of the learned trial Magistrate concerned, furnish a solvent security comprised in a sum of Rs.50,000/-, and, if he re-indulges in offences similar to the one, as carried in the petition FIR, thereupon, solvent security bonds, comprised in a sum of Rs.50,000/- shall become amenable for becoming forfeited to the State of Punjab.

05.08.2022

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**(SURESHWAR THAKUR)
JUDGE**

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