

215 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.58774 of 2022 (O&M)

Date of decision : 21.12.2022

Ranjit Singh

..... Petitioner

versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR.JUSTICE PANKAJ JAIN

Present :- Mr. K.B.S.Mann, Advocate
for the petitioner.

Mr. Sarabjit Singh Cheema, DAG, Punjab.

PANKAJ JAIN, J. (ORAL)

This petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case F.I.R. No.136 dated 17.09.2022 registered under Section 21 (b) of the NDPS Act, 1985 at Police Station Gidderbaha, District Sri Muktsar Sahib.

Learned counsel for the petitioner submits that the petitioner is alleged to have been found in possession of 10 grams of heroin, which is a non-commercial quantity and thus rigour of Section 37 of the NDPS Act would not be applicable. He submits that the investigation already stands concluded. Report stands filed under Section 173 Cr.P.C. Majority of the witnesses are official witnesses and thus there cannot be any apprehension that the petitioner shall tamper with the evidence. He thus prays that in these circumstances, the petitioner would be entitled for regular bail.

Per contra learned State counsel submits that the petitioner is a habitual offender having 3 more FIRs against him involving similar

allegations.

Faced with the situation, learned counsel for the petitioner relies upon *Maulana Mohd. Amir Rashadi Vs. State of UP (SC), 2012(2) SCC 382* and *Prabhakar Tewari Vs. State of UP and Anr., 2020 (1) RCR (Criminal) 831* to submit that the pendency of other criminal cases against the accused cannot be basis for refusal of prayer of bail.

Having heard learned counsel for the parties and after going through the records of the case, this Court is of the considered opinion that in view of the fact that the contraband involved is much less than the commercial quantity, rigour of Section 37 of the NDPS Act would not be applicable.

In view of the aforesaid facts and circumstances, without commenting on the merits of the case and keeping in view the fact that the investigation already stands concluded and the challan stands presented, the present petition is allowed. The petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the Ld. Trial Court/Duty Magistrate, concerned. However, in addition to conditions that may be imposed by the Trial Court/Duty Magistrate concerned, the petitioner shall remain bound by the following conditions :-

- (i) The petitioner shall not mis-use the liberty granted.*
- (ii) The petitioner shall not tamper with any evidence oral or documentary during the trial.*
- (iii) The petitioner shall not absent himself on any date before the trial.*
- (iv) The petitioner shall not commit any offence similar to the one alleged in the present case.*
- (v) The petitioner shall deposit his passport, if any with the trial Court.*
- (vi) The petitioner shall give his cellphone number to the police authorities and shall not change his cell-phone number without permission of the trial Court.*

(vii) The petitioner shall not in any manner try to delay the trial.

However, keeping in view the fact that the petitioner is a habitual offender, it is made clear that in case the petitioner is found to be involved after having been admitted to the bail in any other case, prosecution shall be at liberty to move an appropriate application seeking cancellation of bail.

Needless to say that anything observed herein shall not be construed to be an opinion on the merits of the case.

(PANKAJ JAIN)
JUDGE

21.12.2022
Pooja sharma-I

Whether speaking/reasoned	Yes
Whether Reportable :	No