

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

214/1

CRM-30871-2023 in/and
CRM-M-450-2023
Date of decision : 27.07.2023

Parminder Singh @ Gaggu

..... Petitioner

versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. Monty Goyal, Advocate
for the petitioner.

Mr. Amit Shukla, AAG, Punjab.

PANKAJ JAIN, J. (Oral)

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Application for placing on record copy of challan dated 13.10.2022 as Annexure P-3 is allowed, subject to all just exceptions. Annexure P-3 is taken on record.

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Prayer is for grant of regular bail in FIR No.249 dated 09.10.2022, registered for offences punishable under Sections 21, 21-B, 21-C, 25 and 29 of NDPS Act (Sections 27 of NDPS Act and Section 473 of IPC added later on), at Police Station STF Wing, Mohali, District SAS Nagar.

2. Counsel for the petitioner submits that the recovery alleged to have been effectuated from the petitioner is 50 gms of heroin, which is non-commercial quantity and thus rigors of Section 37 of NDPS Act will not be attracted. Counsel further submits that the petitioner has no antecedents of being involved in any other case under NDPS Act.

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3. Petitioner has undergone actual custody of more than 05 months and 11 days. Investigation already stands concluded and challan stands presented. The witnesses are official and thus there cannot be any apprehension that the petitioner shall tamper with the evidence.

4. Learned counsel for the State is not in a position to controvert the aforesaid assertions made by counsel for the petitioner based on record.

5. In view of above, present petition is allowed. Petitioner is ordered to be released on regular 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 cellphone number without permission of the trial Court.
- (vii) The petitioner shall not in any manner try to delay the trial.

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6. In case of breach of any of the aforesaid conditions and those which may be imposed by the Trial Court, the prosecution shall be at liberty to move cancellation of bail of the petitioner.

7. Ordered accordingly.

(PANKAJ JAIN)
JUDGE

27.07.2023

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Whether speaking/reasoned : Yes

Whether Reportable : No