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

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CRM-M-12107-2023

Date of decision : 24.08.2023

Gurjant Singh @ Janta**..... Petitioner****versus****State of Punjab****..... Respondent****CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN**

Present: Mr. G.S. Saini, Advocate
for the petitioner.

Mr. Amit Shukla, AAG, Punjab.

PANKAJ JAIN, J. (Oral)

Present petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case bearing FIR No.0074 dated 11.05.2022, registered for the offences punishable under Sections 22 and 29 of NDPS Act at Police Station Mallanwala, District Ferozepur.

2. Counsel for the petitioner submits that petitioner has been nominated on the basis of disclosure made by co-accused with the aid of Section 29 of the NDPS Act. The petitioner is behind bars for more than 01 year and 12 days. Challan already stands presented. Apart from the disclosure, there is no incriminating evidence against the petitioner and the disclosure cannot be relied upon in view of law laid by Apex Court in case of *Tofan Singh vs. State of Tamil Nadu* reported as *(2021) 4 SCC 1*.

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3. The aforesaid factual assertions are not disputed by counsel for the State. However, he opposes the bail on the ground that the petitioner is a habitual offender having more than 04 more cases under NDPS Act.

4. Faced with the situation, counsel for the petitioner submits that the petitioner stands admitted to bail in 03 other cases and has been nominated in those cases also with the aid of Section 29 of the NDPS Act and even in FIR No.45 dated 26.06.2022, recovery has been made from co-accused Partap Singh and not from the petitioner.

5. Keeping in view the fact that the petitioner is behind bars for more than 01 year and 12 days and the fact that recovery has been made from co-accused, the 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

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his cell-phone number without permission of the trial Court.

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

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

24.08.2023
Dinesh

Whether speaking/reasoned :	Yes
Whether Reportable :	No