

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

CRM-M-30308-2022 (O&M)

Date of decision : 04.09.2023

RINKU ALIAS BINDI

....Petitioner

Versus

STATE OF PUNJAB

....Respondent

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. J.S. Thakur, Advocate
for the petitioner.

Mr. Amit Shukla, AAG, 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.178 dated 23rd of August, 2017 registered for the offences punishable under Section 22 of Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, 'the NDPS Act') at Police Station Division No.1, Jalandhar Commissionerate.

2. Custody Certificate of the petitioner has been filed today in Court. The same is taken on record.

3. Counsel for the petitioner submits that the alleged contraband recovered from the petitioner is of non-commercial quantity and thus rigors as contained in Section 37 of the NDPS Act will not be attracted. It has been further contended that the petitioner has no prior antecedents of being involved in any other case under the NDPS Act. As per the custody certificate, the petitioner is behind bars for last more than 1 year and 8

months. The Challan already stands presented. FIR is of the year 2017 despite that till date no witness has been examined. Counsel thus submits that the trial being advancing a snail's pace the petitioner would be entitled for regular bail. He further relies upon order dated 27th of July, 2023 passed by this Court in CRM-M-27693-2023 whereby co-accused namely Mandeep Singh @ Bitta stands admitted to regular bail.

4. State Counsel is not in posititon to dispute the aforesaid factual assertions made by counsel for the petitioner based on record.

5. I have heard counsel for the parties and have gone through records of the case.

6. Without commenting on the merits of the case, keeping in view the fact that the investigation already stands concluded and there can't be any apprehension that the petitioner shall tamper with the evidence as most of witnesses are official witnesses, the contraband recovered from the petitioner is of non-commercial quantity and thus rigors of Section 37 is not applicable, as also in view of the fact that the petitioner has no prior criminal antecedents, the present petition is allowed. The petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned.

7. 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.
8. 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.
9. Pending application, if any, shall also stand disposed off.

September 04, 2023		(Pankaj Jain)
Dpr		Judge
Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No