

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

CRM-M-34006-2023**Date of Decision:24.08.2023**

Jatinder Singh

...Petitioner

VS.

Union of India

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat**Present :** Mr. Ravinder Malik (Ravi), Advocate
for the petitioner.Mr. Saurabh Goel, Sr. Standing Counsel
for NCB-Respondent.

N.S.Shekhawat J. (Oral)

The petitioner has filed the instant petition under Section 439 of the Cr.P.C. with a prayer to grant regular bail to him in criminal case bearing Crime No.72 dated 22.12.2020 registered under Sections 8, 18, 27-A, 28, 29 & 60 of NDPS Act, 1985 at Police Station Narcotics Control Bureau, Chandigarh (Annexure P-1).

As per case of the prosecution, on receipt of the secret information, the officials of Narcotic Control Bureau had taken a truck in possession, which was being driven by Ram Lal and the other person sitting on the other seat was found to be Hardeep Singh son of Ajaib Singh. As per the officials of NCB, Hardeep Singh was the owner of the truck, whereas, Ram Lal was driving the said truck and on search of the truck, 09 packets of opium weighing 9 kgs were recovered from the truck and both of them were arrested.

Learned counsel for the petitioner contends that Ram Lal, who was driving the truck, has been granted the concession of regular bail by this Court on 06.07.2023 in CRM-M-7720-2023. He further contends that the petitioner was not named in the present case and has been falsely involved as he is son of Hardeep Singh son of Ajaib Singh, who was apprehended by the officials of NCB at the time of conducting the raid. Learned counsel further contends that after the arrest of Ram Lal and Hardeep Singh, their respective disclosure statements were recorded by the officials of NCB and the name of the petitioner surfaced in their statements and even in the said disclosure statements, no role has been attributed to the present petitioner. Learned counsel further contends that the petitioner has been falsely involved only on the basis of suspicion and is in custody since 23.12.2020. He further contends that even after his arrest, no recovery was effected from the present petitioner. As per learned counsel, the charges were ordered to be framed against the present petitioner on 02.08.2023 and the prosecution has relied upon 16 witnesses. Thus, the trial Court may take considerable time in concluding the trial.

On the other hand, learned counsel appearing on behalf of the respondent has vehemently opposed the prayer made by the learned counsel for the petitioner on the ground that the petitioner was in constant touch with Hardeep Singh and Ram Lal telephonically. Even he was making calls to Ravinder Ganju and there are serious allegations against him.

I have heard learned counsel for the parties and perused the record.

It is apparent from the record that vide order (Annexure P-3) Ram Lal, who was arrested in the present case on the spot, has been granted the concession of regular bail by this Court by placing reliance on the order passed

by the Hon'ble Supreme Court in the matter of **SLP No.6690 of 2022**, titled as **“Dheeraj Kumar Shukla Vs. State of Uttar Pradesh”**, decided on 25.01.2023, wherein the Hon'ble Supreme Court has held as follows:-

“2. The allegations are that on a secret information, the police authorities intercepted two vehicles on 23.06.2020 i.e. one 'Gray' coloured 'Honda City' car and the second 'White' coloured 'Swift Dzire' car. On an interrogation at the spot, Praveen Maurya @ Puneet Maurya, Rishab Kumar Maurya and Dheeraj Kumar Shukla were found to be occupants of the 'Honda City' car whereas the petitioner was driving the 'Swift Dzire' car. On taking a search, more than 92 kgs. Ganja was allegedly recovered from 'Honda City' car where as more than 65 kgs. Ganja was recovered from 'Swift Dzire' Car. The accused were arrested at the spot. The petitioner is, thus, in custody since 24.06.2020.

3. It appears that some of the occupants of the 'Honda City' Car including Praveen Maurya @ Puneet Maurya have since been released on regular bail. It is true that the quantity recovered from the petitioner is commercial in nature and the provisions of Section 37 of the Act may ordinarily be attracted. However, in the absence of criminal antecedents and the fact that the petitioner is in custody for the last two and a half years, we are satisfied that the conditions of Section 37 of the Act can be dispensed with at this stage, more so when the trial is yet to commence though the charges have been framed.”

It is also admitted that the petitioner was arrested in the present case on 23.12.2020 and no recovery was effected from him. Except the disclosure statements and the call details with his co-accused, there is no other evidence against the present petitioner and his further incarceration will not serve any meaningful purpose.

Thus, keeping in view the observations made by the Hon'ble Supreme Court in the matter of **Dheeraj Kumar Shukla's case (Supra)**, the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate, concerned subject to the following conditions:-

- (i) The petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, so as to dissuade him to disclose such facts to the Court or to any other authority.*
- (ii) The petitioner shall remain present before the Court on the dates fixed for hearing of the case.*
- (iii) The petitioner shall not absent himself from the Court proceedings except on the prior permission of the Court concerned.*
- (iv) The petitioner shall surrender his passport, if any, (if already not surrendered), and in case he is not holder of the same, he shall swear an affidavit to that effect.*
- (v) The petitioner shall also file his affidavit before the concerned Court, mentioning his ordinary place of residence and number of mobile phone, which shall be used by him during the pendency of the trial. In case of change of place of residence/mobile number, he shall share the details with the concerned Court/learned Trial Court.*
- (vi) In case, the petitioner involves in any other criminal activity, during the pendency of the trial, it shall be viewed seriously and the prosecution shall be at liberty to move a petition for cancellation of bail granted to him.*
- (vii) The concerned Court may insist two heavy local surties and may also impose any other condition, in accordance with law, while accepting the bail bonds and surety bonds of the petitioner.*
- (viii) The petitioner shall report every 1st and 3rd Monday in*

English calander month before the concerned SHO till the conclusion of the trial and SHO shall mark his presence by making an entry in the rojnamcha. In case, he does not report on every 1st and 3rd Monday before the concerned SHO, it shall be viewed seriously and the concession granted to him shall be liable to be cancelled and the State of Punjab shall be at liberty to move an appropriate application in this regard.

24.08.2023
hemlata

(N.S.SHEKHAWAT)
JUDGE

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