

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-42354-2023
Reserved on: 04.09.2023
Pronounced on: 12.09.2023

Dalwinder Singh ...Petitioner

Versus

Union of India ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Yashpal Thakur, Advocate
for the petitioner(s).

Ms. Gurmeet Kaur Gill, Sr. Panel Counsel, UOI-NCB

ANOOP CHITKARA, J.

Complaint No.	Dated	Police Station	Sections
45	29.06.2021	N.C.B. Chandigarh	8, 20, 25, 27-A, 29, 60, 85 of NDPS Act

1. The petitioner incarcerated for violating the above-mentioned provisions of Narcotics Drugs and Psychotropic Substances Act, 1985 (NDPS Act) per the FIR captioned above, on the allegations of possession of 1.325 kgs of Charas, has come up before this Court fourth time under Section 439 CrPC seeking interim bail.
2. In paragraph Note II of the bail petition, the accused declares that he has no criminal antecedents.
3. Counsel for the petitioner contends that earlier the petitioner was granted interim bail by this Court vide order dated 22.03.2023 passed in CRM-M-3758-2023, then on 04.07.2023 passed in CRM-M-31464-2023. He further submits that operation of the petitioner’s daughter was not done due to some complications, therefore the petitioner be given interim bail for at least 4 weeks. He further submits that the denial of interim bail would cause an irreversible injustice to the petitioner and family.
- 3.(a) As per the allegations of prosecution, 1.325 kgs. of Charas was recovered from the petitioner-Dalwinder singh while he alongwith his wife and daughter were travelling in a car.

4. Para 10 and 11 of the petition corroborates stand of the petitioner that the operation could not be done and neither the petitioner nor the patient is responsible for the same.

5. After carefully analysing the matter, this court is of the considered opinion that the petitioner is entitled to interim bail till 30.09.2023.

6. While opposing the bail, the contention on behalf of the State is that the quantity of contraband involved in the case falls in the commercial category.

7. Without commenting on the case's merits, in the facts and circumstances peculiar to this case, and for the reasons mentioned above, the petitioner makes a case for limited period interim bail, subject to the following terms and conditions, which shall be over and above and irrespective of the contents of the form of bail bonds in chapter XXXIII of CrPC, 1973.

8. Given above, provided the accused is not required in any other case, the petitioner shall be released on interim bail in the FIR mentioned above, subject to furnishing a personal bond of Rs. Twenty-five thousand (INR 25,000/-) to the satisfaction of the concerned Court/ Judicial Magistrate having the jurisdiction over the Police Station conducting the investigation, and in case of non-availability, any nearest Ilqa Magistrate/duty Magistrate. Before accepting the sureties, the concerned Court must satisfy that if the accused fails to appear in Court, then such surety is capable of producing the petitioner before the Court.

9. On the reverse page of personal bonds, the attesting officer shall mention the permanent address of the petitioner along with the phone number linked with the AADHAR card, the other phone numbers (if any), and e-mail (if any). In case of any change in the above particulars, the petitioner shall immediately and not later than 30 days from such modification, intimate about the change to the concerned Police Station and the concerned Court.

10. The petitioner shall not influence, browbeat, pressurize, make any inducement, threat, or promise, directly or indirectly, to the witnesses, the police officials, or any other person acquainted with the facts and the circumstances of the case, to dissuade them from disclosing such facts to the police, or the court, or to tamper with the evidence.

11. Immediately on reaching home/venue, the petitioner shall procure a smartphone

and inform its IMEI number and other details to the SHO/I.O. of the Police station mentioned above. The petitioner shall always keep the phone location/GPS on the "ON" mode. Whenever the Investigating officer asks to share the location, the petitioner shall immediately do so. The petitioner shall neither clear the location history, WhatsApp chats, call logs nor format the phone without permission of the concerned SHO/I.O. This condition shall continue till surrender.

12. Given the nature of the allegations and the other circumstances peculiar to this case, the petitioner shall surrender all weapons, firearms, ammunition, **if any**, along with the arms license to the concerned authority within ten days from release from prison and inform the Investigator about the compliance. However, subject to the Indian Arms Act, 1959, the petitioner shall be entitled to renew and take it back in case of acquittal in this case, provided otherwise permissible in the concerned rules.

13. Any Advocate for the petitioner and the Officer in whose presence the petitioner puts signatures on personal bonds shall explain all conditions of this bail order in any language that the petitioner understands.

14. Any observation made hereinabove is neither an expression of opinion on the merits of the case nor shall the trial Court advert to these comments.

15. **The petitioner shall surrender in prison from where he was released, on or before 16.10.2023, by 11:00 A.M.**

16. *There would be no need for a certified copy of this order for furnishing bonds, and any Advocate for the Petitioner can download this order along with case status from the official web page of this Court and attest it to be a true copy. In case the attesting officer wants to verify the authenticity, such an officer can also verify its authenticity and may download and use the downloaded copy for attesting bonds.*

The petition is disposed of with liberty to file a fresh after surrender. The disposal of the present petition shall not stand in the way of filing and considering the fresh petition. All pending applications, if any, stand disposed.

(ANOOP CHITKARA)
JUDGE

12.09.2023
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Whether speaking/reasoned: Yes
Whether reportable: No.