

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

227

CRM M-43510 of 2023
Date of Decision: 31.10.2023

Gagandeep Singh @ Monu ...Petitioner
Vs.
State of Punjab ...Respondent

CORAM : HON'BLE MR. JUSTICE N.S.SHEKHAWAT

Present : Mr. Rohit Sharma, Advocate for
Mr. Lupil Gupta, Advocate for the petitioner.

Mr. M.S. Bajwa, DAG, Punjab.

N.S.SHEKHAWAT, J. (Oral)

1. The petitioner has filed the instant petition under Section 439 of the Cr.P.C. with a prayer to grant a regular bail in case FIR No.40 dated 15.03.2023 registered under Section 22 of the NDPS Act at Police Station Gidderbaha, District Sri Muktsar Sahib.

2. As per the case of the prosecution, on 15.03.2023, the petitioner was found in conscious possession of 105 tablets of Alpracam-0.5 containing salt Alprazolam and was found carrying the tablets without any permit or licence.

3. Learned counsel for the petitioner contends that the petitioner has been wrongly arrested in the present case on 15.03.2023 and the recovery of the contraband has been planted on him. Learned

counsel for the petitioner further contends that in the present case, no witness has been examined so far and the next date of hearing is fixed on 10.11.2023. Consequently, no useful purpose will be served by keeping the petitioner behind the bars for an indefinite period.

4. On the other hand, learned State counsel has vehemently opposed the prayer made by the learned counsel for the petitioner on the ground that the petitioner was found in conscious possession of huge quantity of the tablets, containing Alprazolam. He further contends that one more case, i.e., FIR No. 46/2022 was also registered against the present petitioner. However, he admits that the petitioner is on bail in the said case.

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

6. The petitioner was arrested in the present case on 15.03.2023 and is incarcerated for the last more than 07 months. Even, the recovery of the alleged contraband from the present petitioner falls within the ambit of "Non Commercial Category". Thus, further custody of the petitioner will serve no meaningful purpose.

7. In view of the above, without commenting any further on the merits, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the

satisfaction of the learned trial Court/Duty Magistrate/CJM 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 involved 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 an appropriate application for cancellation of bail granted to the present petitioner.

(vii) The concerned Court may insist two heavy local surties and may also impose any other condition, in

accordance with law, while accepting the bails bonds and surety bonds of the petitioner.

(viii) The petitioner shall report every 1st 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 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.

31.10.2023

(N.S.SHEKHAWAT)

amit rana

JUDGE

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