

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

CRM-M-44860-2023

Date of decision : 15.09.2023

Surinder Singh @ Kala

....Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. Bhupinderjit S. Gill, 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.99, dated 18.06.2023 registered for the offences punishable under Sections 15, 25 of Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, 'the NDPS Act') at Police Station Sadarjagron, District Ludhiana.

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 contraband recovered from the petitioner is of intermediate quantity and thus rigors of Section 37 of the NDPS Act will not be attracted. The investigation already stands concluded. The petitioner is behind the bars for more that 2 months and 26 days and has clean antecedents. He further contends that co-accused namely Jaswinder Singh @ Bunty apprehended along with the petitioner

already stands admitted to bail by this Court vide order dated 01.09.2023 in CRM-M-42455-2023.

4. State Counsel is not in position to controvert the aforesaid factual assertions made by counsel for the petitioner, which are based on record.

5. Without commenting on the merits of the case, keeping in view the incarceration already suffered by the petitioner and the fact that the investigation already stands concluded, 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. 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 cellphone 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. Needless to say that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

September 15, 2023	(Pankaj Jain)
Dpr	Judge
Whether speaking/reasoned	: Yes/No
Whether reportable	: Yes/No