

2023:PHHC:145851

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

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**CRM M-45985 of 2023
Date of Decision:16.11.2023**

Vijay Kumar @ Laddu

...Petitioner

Vs.

State of Punjab

...Respondents

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

Present : Mr. J.S. Thakur, 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.135 dated 25.06.2023 registered under Section 22 of the NDPS Act at Police Station Division No.8, District Jalandhar Commissionerate.

2. As per the case of the prosecution, on 25.06.2023, Vijay Kumar @ Ladu petitioner was apprehend by the police party and 60 intoxicants tablets wrapped in polythene envelope were recovered from the right pocket of the pent borne by the petitioner/accused and he was ordered to be arrested on 25.06.2023. Learned counsel for the petitioner contends that as per the report prepared by the chemical

examiner, each tablets weighing 379 mgs and it was containing a salt “Tramadol Hydrochloride”. Thus, the total quantity of the contraband recovered from the present petitioner was 22.74 grams, which was non-commercial quantity. Learned counsel contends that the petitioner is in custody since 25.06.2023 and the investigation is almost complete in the present case. Thus, the further custody of the petitioner will not serve any meaningful purpose.

3. On the other hand, learned State counsel has vehemently opposed the prayer made by the learned counsel for the petitioner on the ground that there are 18 cases pending against the present petitioner, however, he is on bail in all these cases.

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

5. The petitioner is in custody since 25.06.2023 and the investigation has been completed against him. Even, the recovery of the contraband from the petitioner was “non-commercial” in nature and further custody of the petitioner will not serve any meaningful purpose. Still further, the apprehension expressed by the learned counsel for the State that the petitioner may involve in similar offences in future, can be allayed by imposing stringent conditions on the present petitioner.

6. 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 gets 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 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.

16.11.2023

(N.S.SHEKHAWAT)

amit rana

JUDGE

Whether reasoned/speaking

:

Yes/No

Whether reportable

:

Yes/No