

285 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-45477-2023

Date of Decision: 19.09.2023

Manjit Singh

...Petitioner

VS.

State of Punjab

...Respondent

Coram : **Hon'ble Mr. Justice N.S.Shekhawat****Present :** Mr. Mitul Singh Rana, Advocate
for the petitioner.

Mr. Mohit Chaudhary, AAG, 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 regular bail to him in case FIR No.104 dated 08.06.2023 registered under Sections 18(b), 27-A, 25 & 29 (added later on) of the NDPS Act, at Police Station Dinanagar, District Gurdaspur.
2. As per the case of the prosecution, a police party was on patrolling duty and found that one scooter was parked near a truck and two persons were present in the truck. On noticing the police party, one of them jumped out of the window of the truck, but he fell down. The said person was carrying a polythene bag and he disclosed his name as Nishan Singh. Another person was found sitting in the truck and he disclosed his name as Manjit Singh. During search, 800 grams of opium was recovered from Nishan Singh, whereas, the drug money of Rs.17,200/- was recovered from Manjit Singh.

3. Learned counsel for the petitioner contends that the petitioner was arrested in the present case on 08.06.2023 and no contraband was recovered from him and the recovery of 800 grams of opium has been shown from his co-accused Nishan Singh. Learned counsel further contends that even otherwise, the recovery of 800 grams of opium from the co-accused Nishan Singh was non-commercial in nature. He further contends that the investigation in the present case is almost complete and his further custody will not serve any meaningful purpose.

4. On the other hand, learned State counsel has vehemently opposed the prayer made by learned counsel for the petitioner on the ground that one more FIR under NDPS Act has already been registered against the present petitioner and the petitioner is likely to indulge in further criminal activity, if he is ordered to be released on bail by this Court.

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

6. It is not in dispute that the petitioner was arrested in the present case on 08.06.2023 and is in custody for the last more than 03 months. Even though, the police had registered one more case under NDPS Act against the petitioner, but he is on bail in the said case. In the present case, the investigation is almost complete and only a sum of Rs.17,200/- was recovered from the present petitioner.

7. Without commenting on the merits of the case, the present petition is allowed and 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 on 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.*

19.09.2023
hemlata

(N.S.SHEKHAWAT)
JUDGE

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