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

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CRM-M-48672-2023

Date of decision : 29.09.2023

Gagandeep Singh**..... Petitioner****versus****State of Punjab****..... Respondent****CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN**

Present: Mr. Sandeep Arora, Advocate
for the petitioner.

Mr. Amit Shukla, AAG, Punjab.

PANKAJ JAIN, J. (Oral)

1. Present petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case bearing FIR No.189 dated 29.06.2023, registered for the offences punishable under Sections 22 and 29 of NDPS Act, 1985, at Police Station Rama Mandi, District Jalandhar.

2. FIR was registered after one Satinder Singh @ Shinda was apprehended on the basis of suspicion and was searched after compliance of Section 50 of the Act. As per the FIR, 400 tablets of Alprazolam are alleged to have been recovered. The case of the prosecution further is that Satinder Singh @ Shinda suffered a disclosure on 29.06.2023, wherein he disclosed the present petitioner namely Gagandeep Singh as the source of the aforesaid tablets.

3. As per the case of the prosecution, the present petitioner who was nominated on the basis of statement by Satinder Singh @

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Shinda was apprehended and while in police custody suffered disclosure which led to recovery of 520 tablets of Alprazolam with an average weight of 126 mg. per tablet. The contraband recovered from the petitioner was thus found to be 63 grams.

4. Counsel for the petitioner submits that the contraband stated to have been recovered from the petitioner was never sent to the FSL. No sample was drawn. The sample was only drawn from 400 tablets recovered from the co-accused and thus as on date, there is nothing on record that can implicate the petitioner. He further submits that even if the contraband allegedly recovered from the petitioner is found to be Alprazolam even then it is intermediate quantity and thus rigorous of Section 37 of the Act will not be attracted. The petitioner is behind bars since 29.06.2023.

5. State counsel does not dispute the aforesaid assertions made by counsel for the petitioner and admits that till date, no sample drawn out of 520 tablets recovered from the petitioner has been sent to FSL.

6. In view of above, without expressing anything on the merits of the case keeping in view the incarceration suffered by the petitioner and the fact that as on date, the only evidence against the petitioner is a disclosure made by co-accused, the present petition is allowed. Petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the Ld. 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 :-

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- (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 cell-phone number without permission of the trial Court.
- (vii) The petitioner shall not in any manner try to delay the trial.

7. 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.

8. Ordered accordingly.

(PANKAJ JAIN)
JUDGE

29.09.2023
Dinesh

Whether speaking/reasoned :	Yes
Whether Reportable :	No