

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

**CRM-M-49932 of 2023
DATE OF DECISION :- 09.10.2023**

Jagmeet Singh @ Bheja

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present:- Ms. Riffi Birla, Advocate for the petitioner.

Mr. Amit Shukla, AAG, Punjab.

PANKAJ JAIN, J. (Oral)

Present petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case bearing FIR No. 127 dated 14.7.2022, registered for the offences punishable under Sections 15/29/61/85 of the NDPS Act, 1985, at Police Station Vairo Ke, District Fazilka.

2. As per the case of the prosecution F.I.R was registered on the allegation that on 14.7.2022 one ASI Gurnam Singh along with his fellow officials while checking vehicles intercepted a Car bearing registration no. DL-4C-AG-6641. On the basis of the suspicion the same was searched which led to recovery of 20 kg of poppy husk that is being claimed; that on further investigation on the disclosure made by co-accused Jagsir Singh further recovery of 40 kg of poppy husk was effected from the house of said Jagsir Singh.

3. Learned counsel for the petitioner submits that at the most the petitioner can be accused of joint possession to the extent of 20 kg of poppy husk only so far as contraband recovered from the house of co-accused Jagsir Singh is concerned the same was made on disclosure made by said Jagsir Singh and thus the same cannot be read against the present petitioner; The contraband recovered from the petitioner even if so assumed would be of less than commercial quantity. The petitioner is behind bars for more than 1 year 2 months 22 days. Challan already stands presented. Most of the witnesses are official witnesses and thus there cannot be any apprehension of petitioner tampering with the evidence. Rigors of Sections 37 of the NDPS Act will not be attracted.

4. Learned State counsel is not in a position to dispute the factual assertions made by counsel for the petitioner on the record.

5. Keeping in view the aforesaid facts and circumstances of the present case, the instant petition deserves to be allowed. The petitioner is ordered to be released on 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 :-

- (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. Ordered accordingly.

(PANKAJ JAIN)
JUDGE

09.10.2023
p.singh

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No