

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

**CRM-M-56090-2023
Date of Decision:15.11.2023**

Jaskaran Singh @Shah

...Petitioner

vs.

State of Punjab

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Mr. P.S Sekhon, 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 Cr.PC with a prayer to grant regular bail in case FIR No. 69 dated 07.07.2022, under Section 22 and 29 of NDPS Act, registered at Police Station Rahon District SBS Nagar (Nawan Shahar) Annexure P-1.
2. As per the case of the prosecution, a police team had apprehended the present petitioner, while he was carrying 11 injections of Buprenorphine, each weighing 02 ML and 22 ML of Buprenorphine was recovered from the present petitioner.
3. Learned counsel for the petitioner contends that the petitioner has been falsely involved in the present case and was arrested on 07.07.2022 and he is in custody for the last one year and four months and the alleged recovery of the contraband is marginally above the "commercial quantity" prescribed in the schedule of the NDPS Act. Learned counsel for the petitioner has placed

reliance on various orders passed by this Court in **(i) CRM-M-37684-2021, Balwinder Singh vs. State of Punjab, decided on 14.02.2022; (ii) CRM-M-8212-2022, Tajinder Singh vs. State of Punjab, decided on 03.03.2022 and (iii) CRM-M-35186-2016, Manjit Kaur @ Jeeto vs. State of Punjab, decided on 01.12.2016.**

4. On the other hand, learned State counsel has vehemently opposed the prayer made by learned counsel for the petitioner on the ground that the petitioner is the main accused and two more cases were registered against him. However, in one case he has already been acquitted and he is on bail in the other case and no case under NDPS Act has been registered against the present petitioner.

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

6. From the submissions, it is clear that 22 ML of Buprenorphine was recovered from the conscious possession of the present petitioner, which is marginally above the “commercial quantity”, as provided by the NDPS Act.

7. In view of the above submissions, made by learned counsel for the parties and in view of the various orders **(supra)** passed by this Court, the present petition is allowed. The petitioner is ordered to be released on bail pending trial on his furnishing bail bonds and surety to the satisfaction of the concerned trial Court/ Duty Magistrate/Chief Judicial Magistrate 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 is involved in any other criminal activity, during the pendency of the trial, it shall be viewed seriously.

(vii) The concerned Court may insist on two heavy local sureties 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 Monday of English calender month before the concerned SHO till the conclusion of the trial and SHO shall mark his presence by making an entry in the Rojnamcha.

8. In case, the petitioner violates any of the conditions mentioned above, it shall be viewed seriously and the concession of bail granted to him shall be liable to be cancelled and the prosecution shall be at liberty to move an application in this regard.

15.11.2023
hitesh

(N.S.SHEKHAWAT)
JUDGE

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