

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

235

CRM M-59096 of 2023
Date of Decision: 29.11.2023

Satyam Kumar

...Petitioner

Vs.

State of Punjab

...Respondent

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

Present : Mr. Amaninder Preet, 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.243 dated 08.11.2020 registered under Sections 22 and Section 29 added later on of Narcotic Drugs and Psychotropic Substances Act 1985 at Police Station Kotkapura, District Faridkot.

2. As per the case of the prosecution on 08.11.2020, the petitioner was arrested by a team of police officials of Police Station City Kotkapura on the allegations that 1500 intoxicant tablets were recovered from the conscious possession of the present petitioner and he was carrying the tablets without any valid permit or licence.

3. In fact, it is third petition filed on behalf of the petitioner. Earlier, the petitions were withdrawn by the petitioner on 09.02.2021 and 25.08.2022.

4. Learned counsel for the petitioner contends that since the petitioner has already undergone more than 03 years of custody and the trial proceedings have not progressed much, this itself will serve as a ground for entertaining the present application by this Court. Learned counsel for the petitioner further contends that the petitioner has been falsely involved in the present case. He further contends that the petitioner was arrested in the present case on 08.11.2020 and has undergone more than 03 years of custody. Learned counsel further submits that one more FIR, i.e. FIR No. 39 dated 07.11.2020 was also registered against the present petitioner, however, the petitioner has already been acquitted in the said case vide judgment dated 25.09.2023 (Annexure P-4) passed by the trial Court. Learned counsel has also placed reliance on the judgment passed by the Hon'ble Supreme Court in the matter of **“Dheeraj Kumar Shukla Vs. State of Uttar Pradesh”**, in which, the Hon'ble Supreme Court held as follows:-

“2. The allegations are that on a secret information, the police authorities intercepted two vehicles on 23.06.2020 i.e. one 'Gray' coloured 'Honda City' car and the second 'White' coloured 'Swift Dzire' car. On an interrogation at the spot, Praveen Maurya @ Puneet Maurya, Rishab Kumar Maurya and Dheeraj Kumar Shukla were found to be occupants of the 'Honda City' car whereas the petitioner was driving the 'Swift Dzire' car. On taking a search, more than 92 kgs. Ganja was allegedly recovered

from 'Honda City' car where as more than 65 kgs. Ganja was recovered from 'Swift Dzire' Car. The accused were arrested at the spot. The petitioner is, thus, in custody since 24.06.2020.

3. It appears that some of the occupants of the 'Honda City' Car including Praveen Maurya @ Puneet Maurya have since been released on regular bail. It is true that the quantity recovered from the petitioner is commercial in nature and the provisions of Section 37 of the Act may ordinarily be attracted. However, in the absence of criminal antecedents and the fact that the petitioner is in custody for the last two and a half years, we are satisfied that the conditions of Section 37 of the Act can be dispensed with at this stage, more so when the trial is yet to commence though the charges have been framed.”

5. 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 serious and specific allegations against the petitioner and the petitioner is not entitled for the concession of regular bail.

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

7. 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 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 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.

29.11.2023

(N.S.SHEKHAWAT)

amit rana

JUDGE

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