

CRM-M-59312-2023

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

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Date of Decision:-20.12.2023

Khushal Chand

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE ALOK JAIN

Present: Mr. Manoj R. Sharma, Advocate for the petitioner.

Mr. Siddharth Attri, AAG, Punjab.

ALOK JAIN, J. (Oral)

1. The present petition has been filed for grant of regular bail to the petitioner in case FIR No. 103 dated 01.10.2023 under Sections 21(b), 21, 27-A and 29 of the Narcotic Drugs and Psychotropic Substances Act, registered at Police Station Gurdaspur, District Gurdaspur.

2. Learned counsel for the petitioner has submitted that the present FIR is borne out of the animosity and he is facing the brunt by the authorities for the reason that he was granted the concession of anticipatory bail in FIR No. 103 dated 04.08.2022 by this Court and when he was not being permitted to join the investigation, he made a specific complaint which is recorded in the order dated 05.07.2023 in CRM-M-10907-2023. Subsequently, when the petitioner had gone to join the investigation, the present FIR was lodged on 01.10.2023 and the petitioner is in custody since 02.10.2023.

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3. Custody certificate of the petitioner has been filed by learned State counsel in Court today, which is taken on record, subject to all just exceptions, according to which, the petitioner is in custody for last 02 months and 17 days.

4. Learned State counsel has repelled the said averment and has submitted that the petitioner is a habitual offender and there are three more cases under NDPS Act, coupled with the fact that 23 more cases were lodged under Excise Act against the petitioner, though, he submits that the petitioner was acquitted in 11 cases.

5. The petitioner apparently seems to be a habitual offender and is now trying to level allegations against the police officers on being caught ***“red handed”***.

6. Nonetheless, since, the recovery is non-commercial in nature and the considering the fact that the petitioner is in custody for more than 02 months and 07 days and the fact that the trial is likely to take long time, therefore, no useful purpose would be served by keeping the petitioner in custody, hence, the petitioner is entitled to grant the concession of regular bail, however, **“subject to some heavy surety of at least Rs.3,00,000/-”**.

7. Without commenting upon the merits, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate, concerned. He shall, however, be released on the following conditions:

1. The petitioner shall declare his ordinary place of residence and the mobile number used by him.
2. He will not switch off his mobile and in case of any technical glitch, he has to give an alternate number, which will be available in his absence.

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days and in case the SHO refuses to mark his presence, he is permitted to make an application before the Illaqa Magistrate, concerned.

4. He will not leave the country without the prior permission of the Court, for which he will submit the copy of his passport also.

The petitioner shall abide by the terms and conditions as imposed in addition to Section 439 of Cr.P.C.

8. It is made clear that, in case, the petitioner is found involved in any other case subject to some cogent proof, the present concession granted shall be considered for being vacated.

9. However, nothing stated above shall be construed as a final expression of opinion on the merits of the case.

20.12.2023
Parul

(ALOK JAIN)
JUDGE

Whether speaking/reasoned:-	Yes/No
Whether Reportable:-	Yes/No