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

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CRM-M-61209-2023

Date of decision : 11.12.2023

Harpreet Singh @ Haryia @ Haria

..... Petitioner

versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. Rajiv Kumar Saini, Advocate
for the petitioner.

Mr. Jaswinder Singh Arora, DAG, Punjab
with ASI Somnath.

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.41 dated 09.10.2023, registered for the offences punishable under Sections 27-A, 21, 23-C and 29 of NDPS Act, at Police Station SSOC Amritsar, District Gurdaspur.

2. As per the case of the prosecution discernible from the records, a secret information was received with respect to the petitioner alongwith other co-accused indulging in smuggling of narcotics and being in contact with the smugglers across the boarder. It was also revealed in the said information that on 08.10.2023/09.10.2023, a big consignment was dropped in the area of Ramdas-Dera Baba Nanak through drone. On the basis of the said secret information, petitioner alongwith other co-accused are alleged to have been apprehended and

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suffered disclosure admitting that they smuggled heroin into the territories of India through drone. The same was taken by the present petitioner alongwith his accomplice Lajar Singh for selling.

3. Counsel for the petitioner however submits that though the prosecution claims that the petitioner suffered the aforesaid disclosure while in police custody which has no evidentiary value, however recovery alleged to have been effected from the petitioner is only of 23 gms. of heroin. He thus submits that the trial Court misdirected itself in invoking Section 27-A of the NDPS Act to deny the bail to the petitioner relying upon the rigors as laid down under Section 37 of the NDPS Act.

4. State counsel does not dispute that the recovery effected is only 23 gms. of heroin. He does not dispute that investigation already stands concluded and the challan stands presented. Petitioner is behind bars since 13.10.2023.

5. Without further commenting on the merits of the case and keeping in view the incarceration already suffered by the petitioner in the light of recovery effected from him, 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 :-

- (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.

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- (iii) The petitioner shall not absent himself on any date before the trial.
- (iv) The petitioner shall not commit any offence while on bail.
- (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.

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

11.12.2023
Dinesh

Whether speaking/reasoned :	Yes
Whether Reportable :	No