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

239

CRM-M-62057-2023

Date of decision : 14.12.2023

**Pardeep Singh @ Monu****..... Petitioner****versus****State of Punjab****..... Respondent****CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN**

Present: Mr. Deepak Aggarwal, Advocate  
for the petitioner.

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

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**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.142 dated 09.09.2022, registered for the offence punishable under Section 22 of NDPS Act, 1985 at Police Station City Rampura, District Bathinda.

2. Custody certificate has been produced. As per the same, the petitioner has undergone actual custody of 01 year, 03 months and 01 day including remission.

3. Counsel for the petitioner has relied upon order dated 06.12.2023 passed in **CRM-M-25987-2023**, wherein co-accused namely Charanjit Singh @ Channi Singh has been granted regular bail observing as under:-

“4. Counsel for the petitioner submits that the story being put-forth by the prosecution is highly

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improbable as it is unbelievable that the accused will be sitting with 1670 unconcealed intoxicating tablets open to the public view. He further submits that the petitioner has clean antecedents. The petitioner is in custody for more than 1 year, 2 months and 24 days. Charges were framed on 10th of April, 2023 and most of the witnesses are official witnesses yet in about eight months only two witnesses including one in part could be examined by the prosecution.

5. State Counsel is not in position to dispute the factual assertions made by counsel for the petitioner which are based on record. However, he submits that keeping in view the large quantity of contraband involved and the bar as contemplated under Section 37 of the NDPS Act, the petitioner does not deserve grant of bail.

6. I have heard counsel for the parties and have gone through records of the case.

7. Without commenting on the merits of the case, keeping in view the incarceration already suffered by the petitioner and the fact that the petitioner has clean antecedents, the present petition is allowed. The petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned.

8. 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

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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 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.

9. 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.

10. Needless to say that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.”

4. Counsel for the State does not dispute that the petitioner would be similarly situated to Charanjit Singh @ Channi Singh. However, he submits that the petitioner has habitual offender and has one more FIR i.e. FIR No.77/2022, registered for offences punishable under Sections 379 and 411 of IPC at Police Station City Barnala, though does not dispute that the petitioner has no previous record of having indulged in the NDPS. The investigation stands concluded and out of 12 cited witnesses only 02 have been examined till date.

5. Without commenting on the merits of the case and keeping in view the incarceration suffered by the petitioner and the fact that the

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petitioner has no previous antecedents of having ever indulged in NDPS, 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.
- (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

14.12.2023

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Whether speaking/reasoned :  
Whether Reportable :

Yes  
No