

109

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

CRM-M-62656-2023 (O&M)
Date of decision : 14.12.2023

SAURAV

....Petitioner

Versus

STATE OF PUNJAB

....Respondent

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. Avtar Singh Bhatti, Advocate for the petitioner.

PANKAJ JAIN, J. (ORAL)

This petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case F.I.R. No.35 dated 24.04.2023 registered for the offences punishable under Sections 21(b), 27(a) and Section 29 of Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, 'the NDPS Act') at Police Station Sadar Gurdaspur, District Gurdaspur.

2. Issue notice of motion.
3. Mr. Tarun Aggarwal, Sr. DAG, Punjab accepts notice on behalf of the respondent/State and files custody certificate of the petitioner, which is taken on record.
4. As per the prosecution two persons riding the motor-cycle after seeing the police party tried to run away. The pillion rider is said to have been thrown out one polythene bag after taking out from his pocket. The

said pillion rider is stated to be co-accused Lovepreet Singh. So far as the said polythene when checked was found to be containing 11 grams of *heroin*.

5. Counsel for the petitioner submits that there is no recovery from the petitioner and even if case of the prosecution is taken on its face value the allegation is against co-accused Lovepreet Singh and not against the present petitioner. The petitioner is behind bars for more than 7 months and 22 days and has no criminal antecedents.

6. State Counsel is not in position to dispute the factual assertions made by counsel for the petitioner based on record.

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

8. 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.

9. 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 cellphone number without permission of the trial Court.
- (vii) The petitioner shall not in any manner try to delay the trial.

10. 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.

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

December 14, 2023
Dpr

(Pankaj Jain)
Judge

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