

CRM-M-925-2024

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

(220)

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Date of Decision:- 02.04.2024

Surta Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE ALOK JAIN

Present: Mr. R.S. Sekhon, Advocate
for the petitioner.

Mr. Siddharth Attri, AAG, Punjab.

ALOK JAIN, J. (Oral)

1. The present petition has been filed *inter alia* praying for grant of regular bail to the petitioner in case FIR No. 62 dated 15.07.2021, under Sections 21, 29, 61, 85 of the Narcotic Drugs and Psychotropic Substance Act, 1985 (Section 21-C of NDPS Act and Section 473 of IPC added later on), registered at Police Station Khalra, District Tarn Taran (Annexure P-1).

2. Learned counsel for the petitioner relies upon the order passed by this Court on 22.12.2023 in CRM-M-58876-2022 and submits that the petitioner is identically situated with co-accused Kabal Singh in the present case and hence claims parity. The alleged recovery has in fact being effected from the land of one Sukhdev Singh and has submitted that the owner of the said land was not joined in the investigation. He further submits that to approach the land of Sukhdev Singh, a pass is required from the competent authorities which was also never issued to the petitioner and

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the entire FIR is based on disclosure statements of the petitioner. He submits that the petitioner is in custody for more than 02 year and 08 months.

3. Learned State counsel has filed the custody certificate of the petitioner in Court today, which is taken on record, according to which the petitioner is in custody for the last 02 years, 08 months and 14 days and submits that, in fact, all the 18 witnesses have been examined.

4. At this stage, learned counsel for the petitioner submits that in fact, subsequent thereto an application under Section 311 Cr.P.C. for further examination has been filed by the prosecution and therefore, he prays for grant of regular bail to the petitioner.

5. In light of the above and considering the fact that the petitioner is in custody for more than 02 years and 08 months and the fact that the trial is likely to take a long time, therefore, no useful purpose would be served by keeping the petitioner in custody, hence, the petitioner is entitled to the grant of the concession of regular bail.

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

- i. The petitioner shall declare his ordinary place of residence and the mobile number used by him.
- ii. The petitioner 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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- iii. The petitioner will mark his presence before the SHO concerned, after every 15 days and in case the SHO refuses to mark his presence, he is permitted to make an application before the Illaqa Magistrate, concerned.
- iv. The petitioner 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.

7. It is made clear that, in case, the petitioner is found involved in any such activity once again, the State is at liberty to promptly move an appropriate application for cancellation of bail detailing out the circumstances and violation of conditions of bail

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

9. It is further made clear that this order shall not be construed as parity *qua* any other co-accused.

(ALOK JAIN)
JUDGE

April 02, 2024
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Whether speaking/reasoned:-	Yes/No
Whether Reportable:-	Yes/No