

2024:PHHC:016213

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-1910-2024
Date of decision : 06.02.2024

Satpal Singh Petitioner

versus

State of Punjab Respondent

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. Pratap Singh Gill, Advocate
for the petitioner.

Mr. Iqbal Singh Mann, DAG, Punjab.

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.90 dated 01.09.2023, registered for the offences punishable under Sections 22, 29 and 61 of NDPS Act at Police Station Julkan, District Patiala.
2. As per the case of the prosecution, petitioner alongwith co-accused Tehal Singh were apprehended and separate contraband were recovered from each of them. From the petitioner, 320 tablets of alprazolam were recovered, whereas from the co-accused, 880 tablets of alprazolam were recovered.
3. Counsel for the petitioner would submit that in view of the fact that that separate recoveries were effected, the contraband recovered from the conscious possession of the co-accused cannot be attributed to the present petitioner. The contraband recovered from the petitioner being of intermediate quantity, rigors of Section 37 of the

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NDPS Act will not be attracted. Counsel further submits that petitioner is behind bars for more than 05 months, challan already stands presented and most of the witnesses are official and thus there cannot be any apprehension that the petitioner shall tamper with the evidence. The petitioner has clean antecedents.

4. The aforesaid factual assertions made by the counsel representing the petitioner based on record are not disputed by the counsel representing the State.

5. In view of above, present petitioner 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.

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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

06.02.2024
Dinesh

Whether speaking/reasoned :	Yes
Whether Reportable :	No