

219 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-1344-2024

Date of Decision: 19.03.2024

Daljit Singh

...Petitioner

vs.

State of Punjab

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Mr. Narinder S. Lucky, Advocate
for the petitioner.

Mr. M.S.Bajwa, Deputy Advocate General, Punjab.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the instant petition under Section 439 of the Cr.P.C. with a prayer to grant regular bail in case FIR No.61 dated 12.06.2023 registered under Sections 21(b), 27-A, 27(a) and 29 of NDPS Act, Sections 25 and 27 of Arms Act, at Police Station Sadar Gurdaspur, District Gurdaspur.

2. Learned counsel for the petitioner contends that as per story of the prosecution, the petitioner was allegedly arrested with his co-accused, namely, Gurpreet Singh, Rahul and Nikhil Kumar and they were allegedly found in possession of 15 grams of heroin along with the drug money of Rs.99,400/-. He further contends that the alleged recovery of contraband from the petitioner and his co-accused falls within the ambit of "small quantity". Learned counsel further contends that similarly placed co-accused Nikhil Kumar and Rahul have already been granted the concession of regular bail by this Court vide order

dated 03.11.2023 passed in CRM-M-53865-2023 (Annexure P-3) and order dated 21.11.2023 passed in CRM-M-48527-2023 (Annexure P-4), respectively. Thus, on parity also, the petitioner is entitled to concession of regular bail, by this Court.

3. On the other hand, learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner on the ground that the petitioner is a hardened criminal and is also involved in two more cases i.e. FIR No.79 dated 02.12.2022 under Sections 21-C, 23, 27-A, 29, 61, 85 of NDPS Act and Sections 10/11/12 of Air Craft Act, 1934 and Section 201 of IPC, registered at Police Station Khem Karan and FIR No.43 dated 10.06.2023 under Sections 21-B/29/61/85 of NDPS Act registered at Police Station Khem Karan.

4. I have heard the learned counsel for the parties and perused the record.

5. In the present case, the recovery of 15 grams of heroin was effected from the petitioner and his co-accused, which falls within the ambit of “small quantity”. Apart from that, the petitioner is continuing in custody since 12.06.2023 i.e. for the last more than 9 months. Similarly placed co-accused, namely, Nikhil Kumar and Rahul have already been granted the concession of regular bail by this Court vide orders Annexures P-3 and P-4, respectively. Thus, no purpose would be served by keeping the petitioner behind bars.

6. Without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Duty

Magistrate/Chief Judicial Magistrate, concerned, subject to the following conditions:-

- (i) *The petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, so as to dissuade him to disclose such facts to the Court or to any other authority.*
- (ii) *The petitioner shall remain present before the Court on the dates fixed for hearing of the case.*
- (iii) *The petitioner shall not absent himself from the Court proceedings except on the prior permission of the Court concerned.*
- (iv) *The petitioner shall surrender his passport, if any, (if already not surrendered), and in case he is not holder of the same, he shall swear an affidavit to that effect.*
- (v) *The petitioner shall also file his affidavit before the concerned Court, mentioning his ordinary place of residence and number of mobile phone, which shall be used by him during the pendency of the trial. In case of change of place of residence/mobile number, he shall share the details with the concerned Court/learned Trial Court.*
- (vi) *In case, the petitioner involves in any other criminal activity, during the pendency of the trial, it shall be viewed seriously.*
- (vii) *The concerned Court may insist on two heavy local sureties and may also impose any other condition, in accordance with law, while accepting the bails bonds and surety bonds of the petitioner.*
- (viii) *The petitioner shall report every 1st Monday in English calander month before the concerned SHO till the conclusion of the trial and SHO shall mark his presence by making an entry in the rojnamcha. In case, he does not report on every 1st Monday before the concerned SHO, it shall be viewed seriously and the concession granted to him shall be liable to be cancelled and the State of Punjab shall be at liberty to move an appropriate application in this regard.*

19.03.2024.
hemlata

(N.S.SHEKHAWAT)
JUDGE

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