

2024:PHHC:008613

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

**CRM-M No.2404 of 2024 (O&M)
Date of decision : 23.01.2024**

Dilbagh Singh Petitioner

versus

State of Punjab Respondent

CORAM : HON'BLE MR.JUSTICE PANKAJ JAIN

Present :- Mr. Karan Garg, Advocate for the petitioner.

Mr. Kunal Vinayak, AAG, Punjab.

PANKAJ JAIN, J. (ORAL)

- 1 This petition has been filed under Section 439 Cr.P.C. for grant of regular bail in case F.I.R. No.137 dated 06.10.2015 registered under Sections 21/65/85 of NDPS Act and Sections 467/472 IPC at Police Station B Division, District Amritsar.
- 2 The petitioner is alleged to be in company of Gagandeep Singh who was apprehended and found to be in possession of 250 grams of heroin, whereas the petitioner who was not apprehended from the spot is alleged to have absconded. The petitioner was declared as proclaimed offender and surrendered before the trial Court only on 20.12.2023.
- 3 Learned counsel for the petitioner relies upon judgment dated 05.11.2018 passed in the aforesaid FIR. As per which the trial Court concluded that the prosecution failed to prove that accused Gagandeep Singh was found to be in conscious possession of the contraband and was thus ordered to be acquitted. He further submits that the petitioner undertakes to face the trial.

4 Learned State counsel is not in a position to dispute the
aforementioned factual assertions based on record.

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

6 Without commenting on the merits of the case and
considering the incarceration suffered by the petitioner and the fact that
the petitioner undertakes to face the trial, the present petition is allowed.
The petitioner is ordered to be released on 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.*

7 Needless to say that anything observed herein shall not be
construed to be an opinion on the merits of the case.

(PANKAJ JAIN)
JUDGE

23.01.2024
Pooja sharma-I

Whether speaking/reasoned	Yes
Whether Reportable :	No