

2024:PHHC:030275
230 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-1525-2024
Date of Decision: 04.03.2024

PARDEEP ALIAS DEEPAR ... PETITIONER
VS.
STATE OF HARYANA .. RESPONDENT

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. K.L.Saini, Advocate
for the petitioner.

Mr. Gaurav Bansal, DAG, Haryana.

PANKAJ JAIN , J.(ORAL)

1. Prayer in this petition is for grant of regular bail to the petitioner in the case bearing FIR No.432 dated 25.10.2023 under Sections 21/27 of the Narcotic Drugs and Psychotropic Substances Act, 1985 registered at Police Station City Narwana, District Jind.
2. Custody certificate has been filed. The same is taken on record.
3. It is submitted that one Arun was apprehended and found to be in possession of 07 grams 80 milligrams of heroine. He, in the police custody, suffered disclosure and disclosed the name of the present petitioner as a source of contraband.
4. Counsel for the petitioner submits that the petitioner has undergone more than four months and one day of imprisonment. It is a case of involving intermediate quantity and thus rigors of Section 37 of the NDPS Act would not be attracted. Apart from the disclosure made by the co-accused, there is no incriminating evidence against the petitioner and thus as per the dictum of law laid down in the case of Tofan Singh Vs. State of Tamil Nadu, (2021) 4 SCC 1, the petitioner would be entitled for grant of regular bail as disclosure suffered in the police custody is a weak piece of evidence and alone

cannot suffice to drive home guilt of the petitioner.

5. Per contra, learned State counsel submits that the petitioner is a habitual offender having one more FIR registered against him under the NDPS Act. Though, he does not dispute that in the present case the quantity is intermediate and the petitioner has been nominated only on the basis of disclosure made by co-accused.

6. I have heard learned counsel for the parties and have gone through the record of the case.

7. Without commenting on the merits of the case and considering the incarceration suffered by the petitioner, 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.

8. 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.*

04.03.2024
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(PANKAJ JAIN)
JUDGE

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No