

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-3343-2023

Date of Decision: January 12, 2024

BALWANT SINGH @ LABRE @ VICKYPetitioner

Versus

STATE OF PUNJABRespondent

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Jashandeep Singh Sandhu, Advocate for the petitioner.
Mr. Shubham Kaushik, A.A.G., Punjab

HARKESH MANUJA, J. (ORAL)

1. By way of present petition filed under Section 439 CrPC, prayer has been made for grant of regular bail in case FIR No. 55 dated 05.07.2021 registered under Sections 21, 22, 25 and 29 of Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station Bhadaur, District Barnala wherein, the petitioner has been implicated for the alleged recovery of 200 tablets of Tramadol and 300 grams of Heroin.
2. The prayer made herein has been opposed at the instance of learned State counsel while referring to the antecedents of the petitioner who already stands acquitted in two cases of similar nature, whereas, the other two cases are pending trial.
3. I have heard learned counsel for the parties and gone through the paper book.
4. In the present case, the petitioner is already behind the bars

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for two years and six months whereas, only 7 out of total 19 prosecution witnesses have been examined and thus the trial is likely to take some time. Though, there are other cases pending against the petitioner, however, while creating balance between the antecedents of the petitioner and his right to speedy trial, as such, this Court does not see any reason to extend his incarceration. Moreover, as per the information provided by learned counsel for the petitioner, his conviction in two cases relates to smaller quantity.

5. In view of the above, without commenting anything on the merits, lest it may prejudice the case of either side, the present petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing adequate bail/surety bonds to the satisfaction of the concerned learned trial Court/Duty Magistrate.

6. However, the aforesaid order shall be subject to following conditions:-

(i) The petitioner shall not influence, browbeat, pressurize, make any inducement, threat, or promise, directly or indirectly, to the witnesses, the Police officials, or any other person acquainted with the facts and the circumstances of the case, to dissuade them from disclosing such facts to the Police, or the Court, or to tamper with the evidence.

(ii) Within fifteen days of release from prison, the petitioner shall procure a smartphone and inform its IMEI number and other details to the SHO/I.O. of the Police station mentioned above. The

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petitioner shall always keep the phone location/GPS on the "ON" mode. Whenever the Investigating officer asks to share the location, the petitioner shall immediately do so. The petitioner shall neither clear the location history, WhatsApp chats, call logs nor format the phone without permission of the concerned SHO/I.O. This condition shall continue till the completion of the trial or closure of case, whichever is earlier.

(iii) Given the nature of the allegations and the other circumstances peculiar to this case, the petitioner shall surrender all weapons, firearms, ammunition, if any, along with the arms license to the concerned authority within fifteen days from release from prison and inform the Investigator about the compliance. However, subject to the Indian Arms Act, 1959, the petitioner shall be entitled to renew and take it back in case of acquittal in this case, provided otherwise permissible in the concerned rules.

(iv) During the trial's pendency, if the petitioner repeats or commits any offence where the sentence prescribed is more than three years or violates any condition as stipulated in this order, it shall always be permissible to the respondent to apply for cancellation of this bail. It shall further be open for any investigating agency to bring it to the notice of the Court seized of the subsequent application that the accused was earlier cautioned not to indulge in criminal activities. Otherwise, the bail bonds shall remain in force throughout the trial and after that in Section 437-A of the Cr.P.C., if not canceled due to non-appearance or breach of conditions.

(v) In return for the protection from incarceration, the Court believes that the accused shall also reciprocate through desirable behavior. ***It is clarified that in case the petitioner does not mend his ways and repeats the offence or indulge in criminal behaviour, then in all future matters, the concerned courts shall keep it as a factor that this court had afforded a final opportunity to the petitioner to reform and live a normal life but did not mend his ways.***

7. The present petition is disposed of in the aforesaid terms.

12.01.2024
Tejwinder

(HARKESH MANUJA)
JUDGE

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