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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(224)

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Date of Decision:- 07.05.2024

Ramandeep Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE ALOK JAIN

Present: Mr. Rishu Mahajan, Advocate
for the petitioner.

Mr. Randhir Singh Thind, DAG, Punjab.

ALOK JAIN, J. (Oral)

1. The present petition has been filed *inter alia* praying for grant of regular bail to the petitioner in case FIR No. 36 dated 10.05.2023, under Sections 22-C/29 of the Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Chohla Sahib, Tarn Taran.

2. Custody certificate of the petitioner has been filed by learned State counsel in Court today, which is taken on record, according to which the petitioner is in custody for the last almost 01 year (as on 06.05.2024) and has clean antecedents.

3. The contentions of the learned counsel for the petitioner already stands recorded vide order dated 29.01.2024, which is reproduced as under:

*Learned counsel for the petitioner submits that
the petitioner has been nominated under Section 29 of the*

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NDPS Act only on the disclosure statement of one Varinder Singh from whom 270 grams of heroin (marginally above non-commercial) was recovered. He further submits that no recovery has been effected from the petitioner and the petitioner is squarely covered by the ratio of law laid down by the Hon'ble Supreme Court in the case of "Tofan Singh Vs. State of Tamil Nadu, (2021) 4 SCC 1".

4. In light of the above, and considering the fact that the petitioner has clean antecedents and has been in custody for almost 01 year and the trial is likely to take some time, therefore, no useful purpose would be served by keeping the petitioner in custody, hence, the petitioner is entitled to the grant of the concession of regular bail.

5. Without commenting upon the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail on furnishing bail bonds and surety bonds to the satisfaction of the trial Court/Duty Magistrate, concerned. He shall, however, be released on the following conditions:

- i. The petitioner shall declare his ordinary place of residence and the mobile number used by him.
- ii. The petitioner will not switch off his mobile and in case of any technical glitch, he has to give an alternate number, which will be available in his absence.
- iii. The petitioner will mark his presence before the SHO concerned, after every 15 days and in case the SHO refuses to mark his presence, he is permitted to make an application before the Illaqa Magistrate, concerned.

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- iv. The petitioner will not leave the country without the prior permission of the Court, for which he will submit the copy of his passport also. However, in case the petitioner does not possess a passport, then he shall file an undertaking to the said effect before being released.

The petitioner shall abide by the terms and conditions as imposed in addition to Section 439 of Cr.P.C.

8. It is made clear that, in case, the petitioner is found involved in any such activity once again, the State is at liberty to promptly move an appropriate application for cancellation of bail detailing out the circumstances and violation of conditions of bail.

9. However, nothing stated above shall be construed as a final expression of opinion on the merits of the case.

10. It is further made clear that this order shall not be construed as parity *qua* any other co-accused.

(ALOK JAIN)
JUDGE

May 07, 2024
parul

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