

CRM-M-4380-2024

Date of Decision: 24.04.2024

Tejinder Singh alias Rubal...Petitioner

vs.

State of Punjab...Respondent

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

Present : Mr. Vedant, Advocate with
Mr. Vishal Mittal, Advocate
for the petitioner.

Mr. Deepender Singh, Additional 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.153 dated 07.11.2023 registered under Sections 22, 61, 27 and 85 of NDPS Act, at Police Station Division No.4 (Lahori Gate), District Patiala.
2. Learned counsel for the petitioner contends that in the present case, the prosecution has wrongly shown the recovery of 600 loose tablets of Alprazolam from the present petitioner. He further contends that even the alleged recovery from the present petitioner weighed 72.6 grams of Alprazolam, which is non-commercial in nature and the rigors of Section 37 of NDPS Act would not apply to the facts of the present case. He next contends that the petitioner was arrested in the present case on 07.11.2023 and is in custody for the last more than 5 months. He further contends that even though, six more cases including three cases under the provisions of NDPS Act have been

ordered to be registered against the present petitioner, but the petitioner is on bail in all other cases. Learned counsel further placed reliance on the order Annexure P-2 whereby co-accused Jatinder Singh @ Laddi has been granted the concession of bail by the Special Court, Patiala.

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 involved in false criminal activities and does not deserve the concession of bail.

4. Having heard learned counsel for the parties and perusing the record, this Court has come to the conclusion that the present petition deserves to be allowed by this Court. The petitioner is in custody for the last more than 5 months and the recovery of the contraband from the present petitioner is non-commercial in nature. Even otherwise, similarly placed co-accused Jatinder Singh @ Laddi has already been admitted to bail by the Special Court, Patiala.

5. 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 to 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 to 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.

24.04.2024.
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(N.S.SHEKHAWAT)
JUDGE

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