

216

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-4103-2024
Date of decision : 02.04.2024

PARDEEP KUMAR @ DEEPUPetitioner

Versus

STATE OF PUNJABRespondent

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. Bhupinder Ghai, Advocate
for the petitioner.

Mr. Mohit Kapoor, Sr. DAG, Punjab.

PANKAJ JAIN, J. (ORAL)

This petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case F.I.R. No.166 dated 9th of July, 2022 registered for the offences punishable under Sections 15, 21, 22 of Narcotic Drugs and Psychotropic Substances Act, 1985 (Sections 22-B and 27 of NDPS Act added later on) at Police Station City Muktsar, District Sri Muktsar Sahib.

2. Custody Certificate of the petitioner has been filed today in Court. The same is taken on record.

3. As per the case of the prosecution FIR was registered on the complaint submitted by one Balwinder Singh ASI Police Station City Sri Muktsar Sahib on the basis of secret information received by him that

Pardeep Kumar @ Deepu the present petitioner along with eight other accused(s) were dealing in narcotics/psychotropic substances.

4. On the basis of the information, written communication was prepared and sent to police station. As per the prosecution following recoveries were made:

Name of the accused	Recovery	Arrested on
Kattar Singh	300 Tramadol 480 loose tablets	09.07.2022
Akashdeep Singh @ Deepu	195 Alpracan	15.07.2022
Pardeep Kumar @ Deepu	810 Alpracan	09.07.2022
Geja	80 Tramadol	19.07.2022

5. Counsel for the petitioner relies upon orders dated 30th of May, 2023 (in CRM-M-14087-2023), 19th of January, 2023 (in CRM-M-1899-2023), 13th of September, 2022 (in CRM-M-40996-2022), 8th of September, 2022 (in CRM-M-39961-2022), 2nd of November, 2023 (in CRM-M-21422-2023), 5th of September, 2023 (in CRM-M-36777 of 2023), 7th of November, 2023 (in CRM-M-13890-2023) and that dated 2nd of February, 2024 (in CRM-M-58395-2023) whereby 8 other co-accused persons namely Lovepreet Singh alias Jimmy, Ravi Singh @ Bullet, Sukhjeet Kaur @ Mandeep Kaur, Manjeet Kaur, Satish Kumar, Geja Singh, Rajinder Kumar, Kattar Singh @ Baba Kattar @ Ikatar Singh @ Sikatar Singh have already been granted bail. Further submits that the petitioner is behind bars for more than 1 year 8 months and 24 days and the prosecution evidence is yet to start despite the fact that almost all the witnesses are official.

6. Bail plea is opposed by counsel representing the State on the ground that the petitioner is a habitual offender and is facing two more FIRs under the NDPS Act.

7. Faced with the situation, counsel for the petitioner submits that in FIR No.127 dated 17th of August, 2017 the petitioner has been accused of being in possession of 5 grams of *heroin*. Reference is being made to Annexure P-12. He further submits that in FIR No.330 dated 16th of September, 2023 also the petitioner stands admitted to bail vide order dated 14th of March, 2024.

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

9. Though the contents of the FIR No.330 would show that the petitioner indeed is incorrigible and even while in jail he is alleged to have received *heroin* as well as *ganja* from his family members. However, keeping in view the fact that 8 other co-accused stand admitted to bail, the incarceration suffered by the petitioner and the fact that the State has not even been able to commence the prosecution evidence despite the fact that the petitioner is behind bars for more than 1 year, 8 months and 24 days, the present petition is allowed. The petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned.

10. 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.

11. In case of breach of any of the aforesaid conditions and those which may be imposed by the Trial Court, the prosecution shall be at liberty to move cancellation of bail of the petitioner.

12. Needless to say that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

April 02, 2024		(Pankaj Jain)
Dpr		Judge
Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No