

CRM-M-6271-2024

Date of Decision:12.02.2024

Ashoki alias Gagandeep Singh

...Petitioner

VS.

State of Punjab

...Respondent

Coram : Hon'ble Mr. Justice N.S. ShekhawatPresent : Dr. Sumati Jund, Advocate
for the petitioner.

Mr. Sukhdev Singh, AAG, 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 to him in case FIR No.02 dated 01.01.2020 registered under Sections 22, 29, 61 & 85 of NDPS Act, at Police Station Barnala, District Barnala.

2. Learned counsel for the petitioner contends that the petitioner was not named in the FIR and has been falsely involved in the present case on the basis of the disclosure statement made by Gurmail Singh, co-accused. She further contends that the petitioner was arrested in the present case on 18.12.2020 and is in custody for the last more than 03 years and 01 months. Learned counsel has placed reliance on the orders Annexures P-3 and P-4, passed by this Court, whereby co-accused Gurmail Singh and Rajinder Singh alias Tata, respectively have been granted the concession of bail by this Court.

Learned counsel for the petitioner further contends that the recovery of

contraband has already been taken place and only 06 witnesses, out of total 27 witnesses, have been examined so far.

3. On the other hand, learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner on the ground that one more case i.e. FIR No.69 dated 10.06.2020 under Sections 22, 61, 85 of NDPS Act, at Police Station STF, Mohali has been registered against the present petitioner and therefore, he does not deserve the concession of bail by this Court.

4. I have heard learned counsel for the parties and perused the record.

5. The petitioner was arrested in the present case on 18.12.2020 and is in custody for the last more than 03 years and 01 month. Even the trial against the petitioner has not progressed much in the present case. Moreover, co-accused Gurmail Singh and Rajinder singh alias Tata, have already been granted the concession of bail by this Court, vide orders Annexures P-3 and P-4, respectively.

6. 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 and the prosecution shall be at liberty to move a petition for cancellation of bail granted to him.*
 - (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 bail bonds and surety bonds of the petitioner.*

12.02.2024
hemlata

(N.S.SHEKHAWAT)
JUDGE

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