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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-7463-2024
Date of decision : 08.05.2024

Harcharan Singh @ Guri @ Harchain Singh Petitioner

versus

State of Punjab Respondent

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. J.S. Sandhu, Advocate
for the petitioner.

Mr. Mohit Kapoor, Sr. DAG, Punjab.

PANKAJ JAIN, J. (Oral)

1. Present petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case bearing FIR No.201 dated 24.08.2022, registered for the offences punishable under Sections 21 and 22 of NDPS Act, 1985 and Section 29 of NDPS Act added later on at Police Station Dharamkot, District Moga.
2. As per the case of the prosecution, FIR was registered on arrest of one Jagjit Singh @ Ravi who was found to be in possession of 4 gms of heroin and 200 tablets of Etezola. Jagjit Singh @ Ravi while in police custody suffered a disclosure statement naming one Ravjeet Kaur @ Ruby to be the source of contraband. When apprehended accused Ravjeet Kaur @ Ruby was found to be in possession of 3 gms of heroin and 110 tablets of Etizolam alongwith Rs.52,000/- stated to be

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drug money.

3. Petitioner was nominated by said Ravjeet Kaur @ Ruby in her disclosure statement during course of interrogation. Petitioner was later on in August, 2023 arrested in FIR No.116 dated 18.08.2023 at Police Station Kot Ise Khan and was found to be in possession of 100 gms of heroin.

4. Counsel for the petitioner submits that in the subsequent FIR i.e. FIR No.116 of 2023, petitioner stands released on regular bail. So far as the present case is concerned, he has been nominated on the basis of disclosure made by co-accused Ravjeet Kaur @ Ruby and apart from the said disclosure, there is no incriminate evidence against him. Challan stands presented on 15.02.2024. Out of 16 cited witnesses, none has been examined till date. Petitioner is behind bars for more than 08 months and 20 days.

5. In view of above, the present petition is allowed. Petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the Ld. Trial Court/Duty Magistrate, concerned. 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.

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- (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.

6. 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.

7. Ordered accordingly.

(PANKAJ JAIN)
JUDGE

08.05.2024
Dinesh

Whether speaking/reasoned :	Yes
Whether Reportable :	No