

217 **IN THE HIGH COURT OF PUNJAB AND HARYANA**
AT CHANDIGARH

CRM-M-9114-2024
Date of Decision: 01.04.2024

Jagroop Singh ...Petitioner

vs.

State of Punjab ...Respondent

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

Present : Mr. Parivartan Singh, Advocate and
Mr. Rajiv Kumar Saini, Advocate
for the petitioner.

Mr.M.S.Bajwa, Deputy 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.62 dated 01.08.2023 registered under Sections 21 (C) and 29 of NDPS Act, at Police Station Sarai Amant Khan, District Tarn Taran.
2. As per case of the prosecution, SI Narinder Singh along with other police officials were present near Radha Soami Dera, Sarai Amant Khan and two persons, namely, Gurbir Singh @ Gopi and Ravisher Singh were arrested by them. During their search, 500 grams of heroin was recovered from Gurbir Singh @ Gopi and a sum of Rs.20,200/- as drug money was also recovered from them and they were formally arrested in the present case.
3. Learned counsel for the petitioner contends that the petitioner was not named in the FIR and has been arrayed as accused in the instant case on the basis of the disclosure statement suffered by Gurbir Singh @ Gopi, co-accused.

He further contends that even though, the recovery of 500 grams of heroin from the co-accused was commercial in nature, but no recovery was effected from the petitioner after his arrest on 05.08.2023. He further contends that the challan in the present case has already been presented against him and no purpose will be served by keeping the petitioner confined in custody. Apart from that, two more cases under the provisions of NDPS Act were ordered to be registered against the present petitioner, but the petitioner is on bail in both the said cases.

4. 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 was actively involved along with his co-accused and does not deserve the concession of bail. He further submits that the petitioner is facing prosecution in two more similar cases and the petition is liable to be dismissed.

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

6. Even though, the petitioner is facing prosecution in two similar cases, but the petitioner is on bail in both the cases. Apart from that, no recovery was effected from the present petitioner in the present case and after completion of investigation, the final report under Section 173 Cr.P.C. has already been presented before the Court against him. Even there are chances that the conclusion of the trial may take considerably long time.

7. Thus, 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 before 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 before 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.

01.04.2024.
hemlata

(N.S.SHEKHAWAT)
JUDGE

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