

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-9774-2024
Date of Decision:06.03.2024

Mohd. Asraan @ Aslam ...Petitioner
vs.
State of Punjab ...Respondent

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

Present: Mr. Simranjeet Singh Sarwara, Advocate
for the petitioner.

Mr. M.S. Bajwa, DAG, Punjab..

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the present petition under Section 439 Cr.PC with a prayer to grant regular bail to him in case FIR No. 39 dated 06.03.2022, registered under Sections 21,22,29 of NDPS Act, Police Station Division No.4, District Patiala (Annexure P-1).
2. As per the FIR, on 06.03.2022, SI Gurdeep Singh along with police officials were on duty Near Gurudwara Jhal Sahib, Patiala in connection with checking suspected elements. In the meantime, SI Gurdeep Singh received a secret information against Ajay Kumar alias Kangaroo, Shammi, Mohamad Asraan alias Aslam (petitioner), Shubham, Rajivir alias Raja, Rajan Singh alias Rajan, Anmol Vadera and Nawab Shah that they were selling drugs in the Patiala and nearby area by forming a big network/ cartel.
3. Learned counsel for the petitioner contends that the petitioner has been falsely involved in the present case. In the present case, the police has planted the recovery of 700 grams of smack and 325 grams of heroin on the

present petitioner. He further contends that the 900 grams of smack was recovered from co-accused Ajay and 900 grams of smack was recovered from Rajan, however, both the said accused have been granted the concession of regular bail by Co-ordinate Benches of this Court vide Annexures P-3 and P-4 respectively. Learned counsel further submits that on parity basis the petitioner is entitled for bail and has placed reliance in the matter of “**Kirpal Singh @ Dyal Singh Vs. Stat of Punjab**”2000 (2) RCR (Criminal) 222.

4. On the other hand, learned State counsel has vehemently opposed the prayer made by learned counsel for the petitioner on the ground that the serious allegations have been levelled against the petitioner.

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

6. It is not in dispute that two similarly placed co-accused namely Rajan Singh and Ajay Kumar have already been granted the concession of regular bail by Co-ordinate Benches of this Court vide Annexures P-3 and P-4 respectively.

7. Without commenting on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail pending trial on his furnishing bail bonds and surety to the satisfaction of the concerned trial Court/ Duty Magistrate/Chief Judicial Magistrate 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 is involved 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.

8. In case, the petitioner violates any of the conditions mentioned above, it shall be viewed seriously and the concession of bail granted to him shall be liable to be cancelled and the prosecution shall be at liberty to move an application in this regard.

06.03.2024
hitesh

(N.S.SHEKHAWAT)
JUDGE

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