

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

CRM-M-15677-2024
Date of Decision : 02-05-2024

Gagandeep Singh @ Gora	Petitioner
Versus	
State of Punjab	Respondent

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present:- Mr. Rajiv Kumar Saini, Advocate for the petitioner.

 Mr. Mohit Kapoor, Sr. DAG Punjab.

PANKAJ JAIN, J. (Oral)

1. Prayer in the petition is for grant of regular bail in FIR No.93 dated 01.05.2023 registered for offences punishable under Sections 21, 21-C, 29 of the NDPS Act and at Police Station Jandiala, Amritsar.
2. Counsel for the petitioner submits that it a case of no recovery from the petitioner. Petitioner has been nominated on the basis of disclosure made by co-accused Baldev Singh @ Deba while in police custody. He further relies upon dictum of law laid down in ***Tofan Singh Vs. State of Tamil Nadu, (2021) 4 SCC 1***, to submit that disclosure made by co-accused while in police custody alone is not sufficient to convict the accused.

3. Counsel for the petitioner further submits that apart from the said disclosure, there is no incriminating evidence against the petitioner. Petitioner is behind bars for almost 7 months. Challan already stands presented. Almost all the cited witnesses are official witnesses and thus there cannot be any apprehension that the petitioner would tamper with the evidence.

4. Learned State counsel does not dispute the abovesaid factual assertions.

5. Having heard counsel for the parties and after going through the records of the case.

6. Keeping in view the records of the case, present petition is allowed. The petitioner is ordered to be released on 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.

(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.

7. Needless to say that anything observed herein shall not be construed to be an opinion on the merits of the case.

02-05-2024
spn

(PANKAJ JAIN)
JUDGE

Whether speaking/reasoned Yes
Whether Reportable No