

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

230 CRM M-17604 of 2024
 Date of Decision:16.04.2024
Abhishek Kaushik @ Jugnu ...Petitioner
 Versus
State of Punjab ... Respondent

CORAM : HON'BLE MR. JUSTICE N.S.SHEKHAWAT

Present : Ms. Gurmeet Kaur, Advocate, for the petitioner.

 Mr. M.S. Bajwa, DAG, 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 a regular bail in case FIR No.364 dated 17.11.2023 registered under Sections 21-B, 25, 27, 29, 61 and 85 of NDPS Act and Sections 489-A, 489-B, 489-C and 489-D of IPC at Police Station Sadar Mansa, District Mansa.
2. Learned counsel for the petitioner contends that the recovery of 10 grams of heroin and the counterfeit currency notes worth Rs. 30,000/- has been planted on him. In fact, the petitioner is wrongly shown to be an occupant of the car, from which the recovery had allegedly taken place. Learned counsel further contends that the mandatory procedure relating to search and seizure has not been followed in the present case and the petitioner has been falsely involved with an ulterior motive. She further contends that the car, which was allegedly taken into possession by the police does not

belong to the present petitioner and the recovery of the contraband from the car was “non-commercial” in nature. Learned counsel further contends that the petitioner was arrested in the present case on 17.11.2023 and is in custody since then. She further contends that even though one more case, i.e., FIR No. 80 dated 24.05.2019 under Sections 384, 420 and 120 IPC, Police Station Budhlada was ordered to be registered against the present petitioner but the petitioner is on bail in the said case as well.

3. On the other hand, learned State counsel has vehemently opposed the prayer made by the learned counsel for the petitioner on the ground that there are serious allegations against the petitioner and the petitioner is not entitled for the concession of regular bail.

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

5. The petitioner was arrested in the present case on 17.11.2023 and is in custody for the last more than 05 months. Even the recovery of the contraband from the present petitioner is “non-commercial” in nature and the final report under Section 173 Cr.P.C. has already been presented before the competent Court of law. Thus, no useful purpose will be served by keeping the petitioner behind the bars.

6. In view of the above, without commenting any further on the merits, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the

satisfaction of the learned trial Court/Duty Magistrate/CJM 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 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.

7. 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.

16.04.2024

amit rana

(N.S.SHEKHAWAT)

JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No