

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

208

CRM-M-18655-2024
Date of decision : 17.05.2024

Nikka Singh Petitioner

versus

State of Punjab Respondent

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

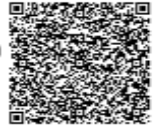
Present: Mr. L.S. Sekhon, Advocate
for the petitioner.

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.364 dated 17.11.2023, registered for the offences punishable under Sections 21-B and 25 of NDPS Act, 1985 and Sections 489-A, 489-B, 489-C and 489-D of IPC at Police Station Sadar Mansa, District Mansa.
2. As per the contents of the FIR, the petitioner was travelling in a car alongwith co-accused Abhishek Kaushik and Inderjit Singh. They were apprehended on secret information which led to recovery of 10 gms of heroin and counterfeit currency notes worth Rs.30,000/- from the dashboard of the car.
3. Admittedly, the petitioner is neither owner nor the driver of the car, but was travelling alongwith co-accused Abhishek Kaushik and Inderjit Singh. It has further claimed by the prosecution that the

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currency amounting to Rs.1500/- from his house.

4. Counsel for the petitioner relies upon order dated 16.04.2024 passed in CRM-M-17604-2024, whereby co-accused Abhishek Kaushik stands admitted to bail and order dated 03.05.2024 passed in CRM-M-13040-2024, whereby Balwinder Singh @ Fouji stands admitted to bail. Coordinate Bench granted bail to Abhishek Kaushik observing as under:-

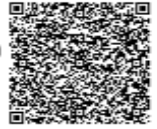
“5. The petitioner was arrested in the present case on 17.11.2023 and is in custody for the last more than 05 months. Even the recovery of the contraband from the present petitioner is “non-commercial” in nature and the final report under Section 173 Cr.P.C. has already been presented before the competent 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.

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(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.”

5. Granting parity, 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.

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6. Needless to say nothing recorded herein shall be construed
to be an expression of an opinion on the merits of the case.

(PANKAJ JAIN)
JUDGE

17.05.2024
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Whether speaking/reasoned :	Yes
Whether Reportable :	No