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

CRM-M-18448-2024

Date of Decision: 23.04.2024

Balihar Singh alias Suri

...Petitioner

VS.

State of Punjab

...Respondent

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

Present : Mr. Mohd. Yousaf, Advocate
for the petitioner.

Mr. Deepinder Singh Brar, Senior DAG, Punjab.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the present petition under Section 439 of Cr.P.C., with a prayer to grant regular bail to him in case FIR No.22 dated 02.03.2024 registered under Section 18, 29 of NDPS Act, at Police Station Division No.3, Jalandhar, District Jalandhar.

2. Learned counsel for the petitioner contends that as per the case of the prosecution, on 02.03.2024, a police party headed by SI Jaswinder Singh had caught co-accused Sunny Jagga, while he was carrying 2 kg of opium without any permit or license. Learned counsel further contends that during the course of investigation, Sunny @ Jagga has named once Sunil Kumar @ Suraj as one of the accused. He further contends that the petitioner has been arrayed as an accused only on the basis of disclosure statement suffered by his co-accused Sunil Kumar @ Suraj and the admissibility of such a statement is yet to be adjudicated by the trial Court, during the course of trial. Apart from the said

statement, no other evidence has been collected by the police in the present case against the petitioner. He further contends that the petitioner is the first offender and was never involved in any other criminal activity. He next contends that similarly placed co-accused Bhupinder Singh has already been granted the concession of anticipatory bail by this Court vide order dated 10.04.2024 passed in CRM-M-15794-2024.

3. On the other hand, learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner. However, he admits that the petitioner is not facing any other prosecution and at this stage, except the disclosure statement, there is no other evidence against the present petitioner.

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

5. As per story of the prosecution, the petitioner has been arrayed as an accused only on the basis of the disclosure statement suffered by his co-accused namely Sunil Kumar @ Suraj and the admissibility of such a statement is yet to be adjudicated by the trial Court, during the course of trial.

6. Without commenting on the merits of the case, 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.

23.04.2024.
hemlata

(N.S.SHEKHAWAT)
JUDGE

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