

2024:PHHC:055619

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-18757-2024
Date of decision : 24.04.2024

Gabrial Sandi Purti Petitioner

versus

State of Punjab Respondent

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. Lakhwinder Singh Mann, 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.125 dated 08.07.2023, registered for the offences punishable under Section 18 of the NDPS Act, 1985 at Police Station GRP Ludhiana, District Government Railway Police.
2. As per the case of the prosecution, the petitioner was apprehended and found to be in conscious possession of 2 kg of opium. Counsel for the State does not deny that it is an intermediate quantity.
3. Petitioner has clean antecedents and is behind bars for more than 09 months and 17 days. 02 out of 07 cited witnesses already stand examined and there is no apprehension that the petitioner can tamper with the evidence as most of the witnesses are official. Rigors of Section 37 of the NDPS Act would not be attracted.

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4. In view of above, 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. 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.

5. In case of breach of any of the aforesaid conditions and those which may be imposed by the Trial Court, the prosecution shall be at liberty to move cancellation of bail of the petitioner.

6. Ordered accordingly.

(PANKAJ JAIN)
JUDGE

24.04.2024

Dinesh

Whether speaking/reasoned :
Whether Reportable :

Yes
No