

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-18820-2024
Date of Decision:24.04.2024

Komal Singh ...Petitioner

vs.

State of Punjab ...Respondent

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

Present : Mr. Rishu Mahajan, Advocate and
Mr. Ajay Kumar, Advocate
for the petitioner.

Mr. Deepender Singh,Addl. A.G, Punjab.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the present petition under Section 439 Cr.PC with a prayer to grant regular bail to him in case FIR No. 148 dated 04.09.2023, registered under Sections 21-C,25 and 29 of NDPS Act, Police Station Kamboj, District Amritsar (Annexure P-1).
2. Learned counsel for the petitioner contends that on the basis of secret information, two accused namely Gurinder Singh and Raghbir Singh were apprehended while coming on a motor cycle and on search of the said accused persons, 300 grams of heroin was recovered. He further contends that the petitioner was not named in the FIR and has been nominated as an accused on the basis of the disclosure statement suffered by his co-accused namely Gurinder Singh and Raghbir Singh. He further contends that the similarly placed co-accused Deepak Kumar @ Love @ Love Kumar has already been granted the concession of anticipatory bail by this Court. The petitioner was

arrested in the present case on 26.09.2023 and is in custody for the last more than 07 months.

3. On the other hand, learned State counsel has vehemently opposed the prayer made by learned counsel for the petitioner on the ground that 02 more cases under the provisions of NDPS Act have been registered against the present petitioner.

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

5. The petitioner is in custody since last more than 07 months and no witness has been examined so far. Thus, there are no chances of early conclusion of the trial in the present case and the further custody of the petitioner will not serve any meaningful purpose.

6. Without commenting on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail pending trial on his furnishing bail bonds and surety to the satisfaction of the concerned trial Court/ Duty Magistrate/Chief Judicial Magistrate 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.

24.04.2024
hitesh

(N.S.SHEKHAWAT)
JUDGE

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