

CRM-M-19500-2024

Date of Decision: 29.04.2024

Sukhdev Singh @ Sukhdeo Singh

...Petitioner

VS.

State of Punjab

...Respondent

Coram : Hon'ble Mr. Justice N.S.ShekhawatPresent : Mr. Vipul Jindal, Advocate
for the petitioner.

Mr. Deepender Singh, Additional Advocate General, 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 regular bail in case FIR No.285 dated 15.09.2023 registered under Sections 21(C), 25 and 29 of NDPS Act, at Police Station STF, Amritsar.

2. Learned counsel for the petitioner contends that as per case of the prosecution, 1 kg of heroin was recovered from Gurjant Singh alias Paras and Paramjit Kaur, co-accused. As per the police, during the course of investigation, Gurjant Singh alias Paras has allegedly suffered a disclosure statement and named the petitioner as one of the accused in the present case. He further contends that the petitioner was arrested in the present case on 15.09.2023 and is in custody since then. By referring to the order dated 20.03.2024 (Annexure P-4) passed by this Court in CRM-M-13501-2024, learned counsel contends that similarly placed co-accused Jaskaran @ Jaskaran Kaur has already been granted the concession of bail, by this Court.

3. On the other hand, learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner on the ground that serious and specific allegations have been levelled against the present petitioner.

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

5. The petitioner was not initially named in the present case as an accused. However, Gurjant Singh @ Paras has nominated as an accused in the present case and no recovery has been effected from the conscious possession of the present petitioner. Even otherwise, similarly placed co-accused Jaskaran @ Jaskaran Kaur has already been admitted to bail by this Court vide order dated 20.03.2024 (Annexure P-4).

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.

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.

29.04.2024.
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(N.S.SHEKHAWAT)
JUDGE

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