



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

236

CRM-M-24926-2024
Date of decision : 22.05.2024

Sartaj Singh @ Taja Petitioner

versus

State of Punjab Respondent

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. J.S. Sandhu, Advocate
for the petitioner.

Mr. Mohit Kapoor, Sr. DAG, Punjab with
ASI Lakhwinder Singh.

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.369 dated 30.11.2023, registered for the offences punishable under Sections 21, 27A and 29 of NDPS Act, 1985 at Police Station STF Boarder Range Amritsar, District Amritsar.
2. As per the case of the prosecution, the petitioner was named by the secret informer alongwith Angrej Singh who happens to be the brother of the petitioner. The FIR was registered on the basis of secret information. During investigation, arrest of the co-accused Angrej Singh led to recovery of 470 gms of heroin from the room of the co-accused.
3. Counsel for the petitioner submits that since it is a case wherein no recovery has been effected from the petitioner and he cannot

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be accused of being in conscious possession of the contraband, he would be entitled for admission to bail.

4. Custody certificate has been produced. As per the same, by now the petitioner has undergone actual custody of 05 months and 17 days. The recovery having been effected from co-accused are not from the petitioner, is not disputed by the State counsel. However, he submits that the petitioner has antecedents which go on to show that the petitioner is indulging in the narcotics and psychotropic substances as he is facing multiple prosecutions.

5. Faced with the situation, counsel for the petitioner submits that the petitioner faced 04 prosecutions under NDPS Act and earned acquittal in all of them. Further submits that in FIR No.272 dated 08.12.20217, registered for the offences under Sections 22-29-61-85 of NDPS Act at Police Station Sadar Tarn Taran, challan has not been presented till today.

6. Without commenting on the merits of the case, keeping in view the nature of allegations levelled against the petitioner and the fact that admittedly no recovery has been effected from the petitioner, 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.

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- (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.

7. 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.

8. Ordered accordingly.

(PANKAJ JAIN)
JUDGE

22.05.2024
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Whether speaking/reasoned :	Yes
Whether Reportable :	No