

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

237

**CRM-M-26862-2024(O&M)
Decided on :16.12.2024**

RAMDIN

. . . Petitioner(s)

Versus

STATE OF PUNJAB

. . . Respondent(s)

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

PRESENT: Mr. Vikramjeet Singh, Advocate for the
petitioner(s).

Mr. Randhir Singh Thind, DAG, Punjab.

KIRTI SINGH, J. (Oral)

The jurisdiction of this Court under Section 439 Cr.P.C. has been invoked for grant of regular bail to the petitioner in case FIR No.29 dated 30.04.2023 under Sections 15(B), 25, 61, 27, 29 and 15(c) of the NDPS Act (Sections 27, 29, 15(c) of NDPS Act and Sections 473 and 411 of IPC are added later on) registered at Police Station Jhunir, District Mansa.

2. Learned counsel for the petitioner submits that Sections 473 and 411 of IPC were added at a later stage, and he prays that these sections be incorporated into the headnote and prayer clause of the petition on his oral request.

3. Allowed as prayed for and registry is directed to carry out necessary corrections in headnote and prayer clause accordingly.

4. Learned counsel for the petitioner further submits that the alleged recovery pertains to 65 kgs of poppy husk from the co-accused, and



the petitioner has been falsely implicated, being nominated solely on the basis of the disclosure statement of the co-accused. He further submits that the petitioner was arrested on 21.03.2024 and there are two other cases registered against him under NDPS Act, however in one case he has been acquitted and in other case, he is on bail. It is also submitted that the co-accused, from whom the alleged recovery was made, has been granted the concession of regular bail by a Co-ordinate Bench of this Court vide order dated 14.03.2024 passed in CRM-M-43363-2023 and the co-accused on whose disclosure statement the petitioner was nominated in the present case, has been granted regular bail by a Co-ordinate Bench of this Court vide order dated 02.05.2024 passed in CRM-M-1222-2024.

5. Per contra, learned State counsel has vehemently opposed the submissions made by the learned counsel for the petitioner. He states that the petitioner was actively involved in the commission of the offence. He has filed custody certificate in Court today and the same is taken on record. As per custody certificate, the petitioner has undergone an actual custody of 08 months and 17 days as on 04.12.2024 and there are two other cases registered against him under NDPS Act, however in one case he has been acquitted and in other case, he is on bail. He however, submits that in view of the serious allegations against the petitioner, he is not entitled to the concession of regular bail.

6. Heard the rival submissions made by learned counsel for the parties.

7. The veracity of the allegations leveled against the petitioner shall be established during the course of the trial. Admittedly, the main accused has been granted regular bail from whom the alleged recovery was



effected. The petitioner has undergone an actual custody of 08 months and 17 days as on 04.12.2024 and there are two other cases registered against him under NDPS Act, however in one case he has been acquitted and in other case, he is on bail. It is also submitted that the co-accused, from whom the alleged recovery was made, has been granted the concession of regular bail by a Co-ordinate Bench of this Court vide order dated 14.03.2024 passed in CRM-M-43363-2023 and the co-accused on whose disclosure statement the petitioner was nominated in the present case, has been granted regular bail by a Co-ordinate Bench of this Court vide order dated 02.05.2024 passed in CRM-M-1222-2024. The conclusion of the trial will take a considerable time. Therefore, this Court is of the considered view that further incarceration of the petitioner will not serve any purpose.

8. Without commenting anything on the merits of the case, lest it may prejudice the trial, the present petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing adequate bail/surety bonds to the satisfaction of the concerned learned trial Court/Duty Magistrate. The petitioner shall also abide by the following conditions:-

- (I) The petitioner will not tamper with the evidence during the trial.
- (II) The petitioner will not pressurize/intimidate the prosecution witness(s).
- (III) The petitioner will appear before the trial Court on the date fixed, unless personal presence is exempted.
- (IV) The petitioner shall not commit an offence similar to the offence of which he is accused of, or for commission of which he is suspected.
- (V) 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 her from disclosing such facts to the Court or to any police officer or tamper with the evidence.



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9. In case of breach of any of the above conditions, the prosecution shall be at liberty to move an application for cancellation of bail before this Court.

10. However, nothing stated above shall be construed as a final expression of opinion on the merits of the case and the trial Court would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail petition.

Pending application(s), if any, also stands disposed of accordingly.

(KIRTI SINGH)
JUDGE

16.12.2024
Kavita

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No