

2024:PHHC:012138
IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-27683-2023 (O&M)
Date of Decision:30.01.2024

Satinder Pal Singh @ Lucky ...Petitioner

vs.

State of Punjab ...Respondent

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

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

Mr. M.S. Bajwa, DAG, Punjab.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the instant petition under Section 439 Cr.PC with a prayer to grant regular bail to him in case FIR No. 50 dated 31.03.2023, registered under Section 22 of NDPS Act, Police Station City Sri Muktsar Sahib, District Sri Muktsar Sahib.
2. Learned counsel for the petitioner contends that as per the case of the prosecution, the petitioner was found in conscious possession of 180 tablets of Colovidol-100 SR, without any permit of license. Learned counsel further contends that the quantity of the contraband allegedly recovered from the present petitioner was “non-commercial” in nature. He further contends that the petitioner was arrested in the present case on 31.03.2023 and is in custody for the last about 10 months. As per learned counsel, one more case i.e FIR No.62 dated 26.04.2020 under Section 21 of NDPS Act and under Sections 188,270 of IPC, Police Station Sadar, Sri Muktsar Sahib was also registered against the present petitioner, however, the petitioner has already been granted the

concession of bail in the said case, vide the order dated 15.06.2020, passed by the Court of Additional Sessions Judge, Sri Muktsar Sahib (Annexure P-3).

3. On the other hand, learned State counsel has vehemently opposed the prayer made by learned counsel for the petitioner on the ground that the serious allegations have been levelled against the present petitioner. He further submits that two more cases i.e. FIR No.62 dated 26.04.2020, under Section 21 of NDPS Act and under Sections 188/207 of IPC, Police Station Mukatsar Sahib and another FIR No.196 dated 01.12.2023, under Section 323 of IPC and under Section 52 of Prisons Act, Police Station Muktsar Sahib have been ordered to be registered against the present petitioner.

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

5. The petitioner was arrested in the present case on 31.03.2023 and the challan has already been presented against him. Even the quantity of contraband recovered from the present petitioner falls within the ambit of “non-commercial” quantity. Even though one more similar case was ordered to be registered against the present petitioner, however, the petitioner is already on bail in the said case.

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.

(viii) The petitioner shall report on every 1st Monday of English calender month before the concerned SHO till the conclusion of the trial and SHO shall mark his presence by making an entry in the Rojnamcha.

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.

8. Pending application(s), if any, stand(s), disposed off, accordingly.

30.01.2024
hitesh

(N.S.SHEKHAWAT)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No