



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

CRM-M-34456-2024

Date of decision : 08.08.2024

Om Parkash

..... Petitioner

versus

State of Punjab

..... Respondents

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. Sajan, Advocate for
Dr. Sandeep Kumar Passi, Advocate
for the petitioner.

Mr. Solomon Partap Singh, AAG, Punjab.

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.29 dated 24.02.2023, registered for the offences punishable under Section 22 of the NDPS Act, 1985 (Section 29 of the NDPS Act, 1985 added later on) at Police Station Mamdot, District Ferozepur.

2. As per the contents of the FIR, it has been alleged as under:-

“SHO, PS Mamdot, Jai Hind, Today myself SI along with ASI Rajesh Kumar No. 691/Fzr, HC Balor Singh No. 66/Fzr, Sipahi Tejinder Singh No. 635/Fzr, PHG Ajay Kumar 10992 on Government Vehicle No. PB-05AB-0868 which was driven by Sipahi Sukhjant Singh No. 279/Fzr alongwith Laptop and printer for patrolling and checking of suspected persons and when the police party while



patrolling reached at Bus Stand Village Tara Vali one special informer stopped our car and informed that Judge Singh S/o Gurnam Singh R/o Basti Shahid Jarnail Singh Village Chakk Ghubbai @ Taravali PS Mamdot District Ferozepur who is habitual of selling intoxicant tablets and today also above Judge Singh is waiting for his customers on Village Jodhpur towards link road near railway line and is having huge quantities of intoxicant tablets. If the raid is conducted on Judge Singh above then he can be caught red-handed alongwith intoxicant tablets. The information is trustworthy and believable. So accused Judge Singh above has completed the offence under Section 22 NDPS Act by keeping and selling the intoxicant tablets. So the ruqa was written against accused Judge Singh above and was sent by hand through PHG Ajay Kumar 10992 to the police station for registering the case. FIR be registered and number be informed. Special reports be issued. PCR be intimated. Report U/s 42 NDPS Act be prepared and the same be sent to Higher officials. I SI along with co-police personnel is going to conduct raid at the spot told by secret informer. Sd/- Mangal Singh.xxx”

3. Counsel for the petitioner submits that it is not a case where there is any recovery from the petitioner, rather petitioner was behind bars. The allegation against him is of facilitating the co-accused in dealing with the narcotic and psychotropic substances. Counsel further submits that it is highly unbelievable that the petitioner who was behind bars at the relevant time could be of any help to the co-accused.

4. *Per contra*, counsel for the State submits that petitioner was in touch with the co-accused from jail and thus cannot plead



innocence. Further refers to two more cases against the petitioner under NDPS Act.

5. However, counsel for the petitioner submits that in FIR No.140 dated 01.12.2022, there was similar allegation against the petitioner and till today there is no case against the petitioner registered under the Prisons Act.

6. Keeping in view the nature of allegations against the petitioner and the incarceration suffered by him, 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.
- (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

08.08.2024
Dinesh

Whether speaking/reasoned :	Yes
Whether Reportable :	No