



223 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-34191-2024

Date of Decision:10.09.2024

Karamjit Singh alias Dhanu

...Petitioner

vs.

State of Punjab

...Respondent

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

Present : Mr. J.K.Singla, Advocate and
Ms. Suman Rani, Advocate, for the petitioner.

Mr.M.S.Bajwa, Deputy Advocate General, Punjab.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the second petition under Section 439 of the Cr.P.C. with a prayer to grant regular bail to him in case FIR No.168 dated 02.08.2020 registered under Sections 22, 29 of NDPS Act, at Police Station Bhikhi, District Mansa.

2. As per the case of the prosecution, on 02.08.2020, the petitioner was found in possession of 1000 tablets of Alprasafe 0.5 and 1100 tablets of Clovidol 100-SR. The petitioner was arrested at the spot and the FIR was lodged against him. As per the FSL report, the petitioner was in possession of 123-gm of Alprazolam and 411-gm of Tramadol, which falls under the commercial quantity.

3. Learned counsel for the petitioner submits that the petitioner has been falsely involved in the present case. He further submits that the petitioner was suffering from various health problems. He further submits that the petitioner was released on interim bail by this Hon'ble Court on the medical



ground and during interim bail, he was never misused the concession of interim bail and regularly appearing before the trial Court. He further submits that no recovery has been effected from the petitioner. The petitioner is in custody since 21.06.2021 and the final report under Section 173 Cr.P.C. has already been presented against him. Trial is likely to take long time. No useful purpose will be served by further detention of the petitioner in custody. Thus, it is prayed that he may be released on regular bail. In support of his contentions, learned counsel for the petitioner has relied upon judgments in (i) **CRM-M-37684-2021, Balwinder Singh vs. State of Punjab**, decided on 14.02.2022; (ii) **CRM-M-8212-2022, Tajinder Singh vs. State of Punjab**, decided on 03.03.2022 and (iii) **CRM-M-35186-2016, Manjit Kaur @ Jeeto vs. State of Punjab**, decided on 01.12.2016.

4. On the other hand, learned counsel for the State has vehemently opposed the submissions made by learned counsel for the petitioner on the ground that serious allegations have been levelled against the present petitioner and he does not deserve the concession of bail by this Court.

5. Keeping in view the facts and circumstances of the case, custody period of the petitioner and also the fact that the quantity of alleged contraband is marginally above the 'commercial quantity', but without commenting on merits of the case, I am of the considered view that the petitioner deserves the concession of regular bail.

6. Therefore, without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on regular bail on furnishing of his bail/surety bonds to the satisfaction of the trial Court/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 and the prosecution shall be at liberty to move a petition for cancellation of bail granted to him.*
- (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 bail bonds and surety bonds of the petitioner.*

10.09.2024.
hemlata

(N.S.SHEKHAWAT)
JUDGE

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