



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-37542-2024
Date of Decision:08.08.2024

Gurjiwan Singh @ Gurjivan Singh ...Petitioner

vs.

State of Punjab ...Respondent

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

Present : Mr. P.S Sekhon, Advocate
for the petitioner.

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

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the present petition under Section 439 Cr.PC with a prayer to grant regular bail to him in case FIR No. 388 dated 25.12.2023, registered under Sections 22,27 and 29 of NDPS Act, Police Station STF Sector-79, Sohana, District SAS Nagar, Mohali (Annexure P-1).
2. Learned counsel for the petitioner contends that the petitioner was not initially named in the present case and has been nominated as an accused on the basis of the disclosure statement suffered by Jaspal Singh, principal accused. As per the case set up by the prosecution, the police had recovered 600 tablets of Alprasafe from the present petitioner and after taking into account the FSL report, the total quantity of Alprazolam comes out to be 73.8 grams. He further contends that the said quantity of Alprazolam is non-commercial in nature and the provisions of Section 37 of the NDPS Act would not apply to the facts of the present case. The petitioner was arrested in the present case on

28.12.2023 and is in custody for the last more than 07 months. Even though one more case under the provisions of NDPS Act was ordered to be registered against the present petitioner, however, he is on bail in the said case.

3. On the other hand, learned State counsel has vehemently opposed the prayer 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.

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

5. The petitioner was arrested in the present case on 28.12.2023 and is in custody for the last more than 07 months. However, in the present case, no witness out of total 19 witnesses has been examined so far. Apart from that, the recovery of the contraband recovered from the present petitioner is non-commercial in nature.

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 to 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.

08.08.2024
hitesh

(N.S.SHEKHAWAT)
JUDGE

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