

2024:PHHC:129388



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

290

CRM M-40438 of 2024
Date of Decision: 30.09.2024

Raj Rani @ Faujan		...Petitioner
	Versus	
State of Punjab		... Respondent

CORAM : HON'BLE MR. JUSTICE N.S.SHEKHAWAT

Present : Mr. Naveen Sharma, Advocate
for the petitioner.

Mr. Deepinder Singh Brar, Sr. DAG, Punjab.

N.S.SHEKHAWAT, J. (Oral)

1. The petitioner has filed the instant petition under Section 439 of the Cr.P.C. with a prayer to grant a regular bail in case FIR No.107 dated 10.07.2024 registered under Sections 20/61 of the NDPS Act at Police Station Salem Tabri, District Ludhiana.
2. Learned counsel for the petitioner contends that as per the case of the prosecution, two persons, namely, Mintu Verma and Parmod Kumar were intercepted by the police while patrolling and 02 Kgs of Ganja was recovered from them. During the course of investigation, both the accused disclosed the name of the present

petitioner and the petitioner was also arrayed as an accused in the present case. As per them, the quantity of contraband recovered from the co-accused was non-commercial in nature and the rigors of Section 37 of the NDPS Act would not apply to the facts of the present case. The petitioner was arrested on 10.07.2024 and is in custody for the last more than 02 months. He further contends that Mintu Verma and Parmod Kumar had already been granted the concession of bail by the trial Court.

3. On the other hand, learned State counsel has vehemently opposed the prayer made by the learned counsel for the petitioner on the ground that five more cases have been registered against the petitioner and out of these cases, two cases were registered under the provisions of the NDPS Act, however, he admits that the petitioner is on bail in the other two cases registered under the NDPS Act.

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

5. In the present case, the petitioner was arrested on 10th July, 2024 and is in custody for the last more than 02 months. Even, the main accused Mintu Verma and Parmod Kumar have already been granted the concession of bail by the trial Court.

6. In view of the above, without commenting any further on the merits, the present petition is allowed and the petitioner is ordered

to be released on bail on her furnishing bail bonds/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate/CJM 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 gets involved 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 an appropriate application for cancellation of bail granted to the present petitioner.

(vii) *The concerned Court may insist two heavy local surties 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 every 1st Monday in English calander month before the concerned SHO till the conclusion of the trial and SHO shall mark his presence by making an entry in the Rojnamcha. In case, he does not report on every 1st Monday before the concerned SHO, it shall be viewed seriously and the concession granted to him shall be liable to be cancelled and the State of Punjab shall be at liberty to move an appropriate application in this regard.*

30.09.2024
amit rana

(N.S.SHEKHAWAT)
JUDGE

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