

2024:PHHC:012149
IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-48023-2023
Date of Decision:30.01.2024

Jagsir Singh @ Seera ...Petitioner

vs.

State of Punjab ...Respondent

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

Present : Mr. Fariad Singh Virk, Advocate and
Mr. Arvind Rajotia, Advocate
for the petitioner.

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

N.S.Shekhawat J. (Oral)

1. On oral request made by learned counsel for the petitioner Section 27A of NDPS Act is ordered to be added in the head note as well as prayer clause of the petition. Learned counsel for the petitioner is directed to carry out the necessary correction in this regard in the Court today itself.
2. 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. 108 dated 17.05.2022, registered under Sections18 (c) of NDPS Act (offence under Section 18(b),27A and 29 of NDPS Act added later on), Police Station Lambi, District Sri Muktsar Sahib.
3. Learned counsel for the petitioner contends that as per the case of the prosecution, Dharminder Singh, co-accused was found to be carrying 02 Kgs 600 grams of opium, without any permit or license and was ordered to be arrested. Learned counsel further submits that the petitioner was nominated as

an accused on the basis of the disclosure statement suffered by Dharminder Singh and as per the said statement also, Dharminder Singh had to deliver the contraband to the present petitioner. Learned counsel further submits that three more FIRs under the NDPS Act were ordered to be registered against the present petitioner, however, the petitioner is acquitted in two cases and in one case, his sentence has already been suspended by this Court.

4. 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, however, he admits that no recovery was effected from the present petitioner.

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

6. The petitioner was arrested in the present case on 18.05.2023 and is in custody since last about 08 months. The final report under Section 173 Cr. P.C has already been presented before the competent Court. Even otherwise, no recovery was effected from the present petitioner.

7. 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.

30.01.2024
hitesh

(N.S.SHEKHAWAT)
JUDGE

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