

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CRM-M-56797-2023 (O&M)
Date of decision:- 11.03.2024.

Sandeep Singh @ Daroga

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present :- Ms. Ramandeep Kaur, Advocate
for the petitioner.

Mr. Mohit Kapoor, Sr. DAG Punjab.

PANKAJ JAIN, J. (Oral)

CRM-4808-2024

This is an application for placing on record Annexure P-6 and
P-7.

Allowed as prayed for.

Annexure P-6 and Annexure P-7 are taken on record subject to
all just exceptions.

CRM-M-56797-2023

1 Prayer is for grant of regular bail in FIR No. 68 dated
31.05.2023 (Annexure P-1) under Sections 21 and 22 of the NDPS Act,
1985(Section 29 of the NDPS Act added later on) registered at Police
Station Tappa Mandi, District Barnala.

2 As per the case of the prosecution, the petitioner was
intercepted on the suspicion and was searched after compliance of Section
50 of the NDPS Act which led to recovery of 4 gms of heroin and 610
tablets of Alprazolam.

3 Counsel for the petitioner submits that the quantity recovered from the petitioner is intermediate quantity as notified under the Act and thus rigors of Section 37 of the Act could not be attracted.

4 The petitioner is behind bars for 9 months and 12 days. None out of the 12 witnesses could be examined till date. Charges already stand framed on 08.08.2023 and thus the petitioner is entitled for release of regular bail.

5 Per contra, State counsel has opposed the bail plea of the petitioner submitting that he is a prior convict and was found to be in conscious possession of narcotics. Thus he does not deserves to be released on regular bail.

6 Faced with the situation, counsel for the petitioner submits that so far as the conviction of the petitioner is concerned, the same was on account of 1 gm of smack for which the petitioner was sentenced to pay fine of Rs.1,000/- only. Though prior conviction of the petitioner is a mitigating circumstance. However, keeping in view of that the quantity recovered from the petitioner is of intermediate quantity and the petitioner is behind bars for more than 9 months and 12 days and no witness could be examined by the prosecution till date despite the fact the charges were framed more than 7 months back on 08.08.2023.

7 Present petition is allowed. The petitioner is ordered to be released on 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.

8 Needless to say that anything observed herein shall not be construed to be an opinion on the merits of the case.

9 Pending applications, if any, shall stand disposed off.

(PANKAJ JAIN)
JUDGE

11.03.2024
spn