

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-56978-2023
Date of Decision:25.01.2024

Rajeev Kumar @ Rana ...Petitioner

vs.

State of Punjab ...Respondent

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

Present : Ms. Harpreet Maini, Advocate
for the petitioner.

Mr. Mohit Chaudhary, AAG, Punjab.

N.S.Shekhawat J. (Oral)

1. 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. 11 dated 17.02.2023, registered under Section 22 (c), 29 of NDPS Act, Police Station Bajakhana, District Faridkot.
2. Learned counsel for the petitioner contends that as per the story of the prosecution, on 17.02.2023 the main accused, Parwinder Singh @ Daddu was apprehended on suspicion and 1200 tablets were recovered from him, which were kept by him without any permit or license. As per the FSL report, the tablets recovered from Parwinder Singh @ Daddu contained Tramadol Hydrochloride salt. Learned counsel next contends that the during his custodial interrogation, Parwinder Singh @ Daddu disclosed that he had purchased the tablets from the present petitioner and the petitioner was also nominated as one of the accused. Learned counsel further contends that after the arrest of the

petitioner, the offence under Section 29 of NDPS Act was also added in the present case. Learned counsel next contends that the petitioner was arrested in the present case on 27.03.2023 and was later on, granted the concession of interim bail. However, he was again arrested on 18.09.2023 and is continuing in custody since then.

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 one more case under NDPS Act has been registered against the present petitioner, however, he admits that he is on bail in the said case.

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

6. The police had recovered 1200 tablets of Tramadol from the main accused namely Parwinder Singh @ Daddu, however, no recovery was effected from the present petitioner. Even, the petitioner is in custody for the last about 5 months and 16 days and no purpose would be served by keeping the petitioner behind the bars.

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.

8. 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.

25.01.2024
hitesh

(N.S.SHEKHAWAT)
JUDGE

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