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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****CRM-M-60591-2022****Date of Decision:12.02.2024**

Surjit Singh

...Petitioner

vs.

State of Punjab

...Respondent

Coram : Hon'ble Mr. Justice N.S. Shekhawat**Present :** Mr. Parminder Singh Sekhon, Advocate
for the petitioner.

Mr. Sukhdev Singh, AAG, 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 regular bail to him in case FIR No.73 dated 22.08.2022 registered under Sections 15, 25, 29 of NDPS Act, at Police Station Kathgarh, District SBS Nagar.

2. As per case of the prosecution, on 22.08.2022, a police team headed by Jasvir Singh, was on patrolling duty and on the basis of the secret information, a truck was stopped by them and Jatinder Singh and Davinder Singh were found in the truck. 52 kgs of poppy husk was recovered from the truck and Davinder Singh was arrested at the spot.

3. Learned counsel for the petitioner contends that even though, the petitioner has been named in the FIR, but he was not arrested at the spot. He further contends that the petitioner was arrested in the present case on

10.10.2022 and is in custody since then. He further contends that the final report under Section 173 Cr.P.C. has already been presented against him.

4. On the other hand, learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner. However, Learned State counsel does not dispute the fact that no recovery was effected from the present petitioner nor he was arrested at the spot.

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

6. The petitioner was arrested in the present case on 10.10.2022 and the challan has already been presented against him. Even, no recovery was effected from the petitioner and his further custody will not serve any meaningful purpose.

7. Without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate, 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 involves 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 a petition for cancellation of bail granted to him.*
- (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 bail bonds and surety bonds of the petitioner.*
- (viii) *The petitioner shall report every 1st Monday of 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.*

(N.S.SHEKHAWAT)
JUDGE

12.02.2024
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Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No