

CRM-M-58253-2023

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-58253-2023
Reserved on: 09.08.2024
Pronounced on: 30.08.2024

Vikram Kumar alias Kaka ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Himanshu Mehta, Advocate
for the petitioner.

Mr. Sukhdev Singh, AAG, Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
119	04.07.2019	B Division, Amritsar	22/61/85 of NDPS Act

1. The petitioner incarcerated in the FIR captioned above had come up before this Court under Section 439 CrPC, 1973, seeking regular bail.
2. As per paragraph 8 of the reply filed to the bail application, the accused has the following criminal antecedents:

Sr. No.	FIR No.	Date	Offenses	Police Station
1	257	24.09.2020	22 of NDPS Act	B Division, Amritsar

3. The facts and allegations are being taken from the reply filed by the State, which reads as follows:

“3. That it is submitted that as per the report furnished by SHO, P.S. B" Division, Amritsar, on 04.07.2019, ASI Gurmeet Singh along with other police officials posted at PP Shaheed Udham Singh Nagar, Police Station "B" Division, Amritsar in connection with patrolling was going towards Ganda Singh Colony, Tarn Taran road, Amritsar and when the police party reached near vacant plots then one haircut youngster came from opposite side, who upon seeing the police party, suddenly headed towards bushes in vacant place, took out one polythene envelope from right pocket of his short and tried to throw it away. He was apprehended with the help of accompanying police officials by ASI Gurmeet Singh and checked the aforesaid polythene envelope then tablets of orange colour were

recovered from it. Upon asking about it, the present petitioner disclosed his identity and disclosed that the above recovered tablets are intoxicant tablets. As ASI Gurmeet Singh was not competent to take action under NDPS Act, hence, ASI Davinder Singh, In-charge PP Shaheed Udham Singh Nagar, P.S. "B" Division, Amritsar reached the spot and the present petitioner along with recovered intoxicant tablets were handed over to ASI Davinder Singh, who recorded statement of ASI Gurmeet Singh and counted the aforesaid recovered intoxicant tablets, which came to be 260 intoxicant tablets and the same were taken into police possession in accordance with law. Therefore, the aforesaid FIR No. 119 dated 04.07.2019, under Section 22 of NDPS Act, P.S. B Division, Amritsar was registered in this respect and the present petition Vikram Singh @ Kaka was arrested in this case.

x x x x
5. That it is submitted that the sample parcel of contraband was deposited at Regional Testing Forensic Science Laboratory, Amritsar for scientific examination. The report thereof was received. As per which 'Alprazolam' was detected in ingredient present in the contraband and average weight of the tablets was found to be 147 mg/tablet and total weight of 260 intoxicant tablets came to be 38.22 grams.

x x x x
7. That the trial of the aforesaid case FIR No. 119/2019 (supra) was commenced before the Court of learned Additional Sessions Judge, Amritsar, charge under Section 22 of NDPS Act was framed on 10.12.2019. During trial of the case, the petitioner Vikram Singh @ Kaka had not appeared before the learned trial Court since 21.1.2021 and thereafter he had taken exemption from his personal case is now pending for trial, charge has been framed and case is now fixed for prosecution evidence. Hence, these contentions are required to be proved by way of leading evidence before the learned trial Court in view of settled principles of law. Furthermore, the bail of the petitioner was cancelled due to his absence from the learned trial Court without any intimation and he was declared PO in this case and there is strong apprehension that the petitioner can again abscond and can again indulge in drug peddling, if he is released on bail. Hence, the present petitioner Vikram Singh @ Kaka is not entitled to the relief of regular bail.”

- 4. The petitioner's counsel prays for bail by imposing any stringent conditions and contends that further pre-trial incarceration would cause an irreversible injustice to the petitioner and their family.
- 5. The State’s counsel opposes bail and refers to the reply.
- 6. The petitioner was earlier on bail; however, he failed to appear, which led to the cancellation of the bail.
- 7. The petitioner was earlier granted bail, and as such, this court is inclined to grant

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bail subject to the strict condition that the petitioner shall not remain absent from the trial even on a single day.

8. The petitioner has been in custody since 01-02-2023. Given the penal provisions invoked viz-a-viz pre-trial custody, coupled with the prima facie analysis of the nature of allegations, and the other factors peculiar to this case, there would be no justifiability further pre-trial incarceration at this stage.

9. Without commenting on the case's merits, in the facts and circumstances peculiar to this case, and for the reasons mentioned above, the petitioner makes a case for bail. This order shall come into force from the time it is uploaded on this Court's official webpage.

10. Given above, provided the petitioner is not required in any other case, the petitioner shall be released on bail in the FIR captioned above subject to furnishing bonds to the satisfaction of the concerned Court and due to unavailability before any nearest Ilaqa Magistrate/duty Magistrate. Before accepting the surety, the concerned Court must be satisfied that if the accused fails to appear, such surety can produce the accused.

11. While furnishing a personal bond, the petitioner shall mention the following personal identification details:

1.	AADHAR number	
2.	Passport number (If available) and when the attesting officer/court considers it appropriate or considers the accused a flight risk.	
3.	Mobile number (If available)	
4.	E-Mail id (If available)	

12. This order is subject to the petitioner's complying with the following terms. The petitioner shall abide by all statutory bond conditions and appear before the concerned Court(s) on all dates. The petitioner shall not tamper with the evidence, influence, browbeat, pressurize, induce, threaten, or promise, directly or indirectly, any witnesses, Police officials, or any other person acquainted with the facts and circumstances of the case or dissuade them from disclosing such facts to the Police or the Court.

13. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.

14. A certified copy of this order would not be needed for furnishing bonds, and any Advocate for the Petitioner can download this order along with case status from the official web page of this Court and attest it to be a true copy. If the attesting officer wants to verify its authenticity, such an officer can also verify its authenticity and may download and use the downloaded copy for attesting bonds.

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15. **Petition allowed** in terms mentioned above. All pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

30.08.2024
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Whether speaking/reasoned: Yes
Whether reportable: No.