

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-59984-2023
Date of Decision:25.01.2024

Nand Kishor ...Petitioner

vs.

State of Punjab ...Respondent

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

Present : Mr. Vipin Mahajan, 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. 84 dated 08.09.2023, registered under Section 21 (c), 29 of NDPS Act and under Sections 379,411 of IPC, Police Station Fatehgarh Chhurrian, District Gurdaspur, Punjab.
2. As per the case of the prosecution on 08.09.2023, Ranjit Singh and Sajan Masih were apprehended by the police party, while they were carrying 255 grams of heroin along with drugs money of Rs.45,000/- and were formally arrested after following the due process of law.
3. Learned counsel for the petitioner contends that the petitioner was not named in the present FIR nor there is any averment in the FIR, which even remotely connects the petitioner with the commission of crime. Learned counsel further submits that except the disclosure statement suffered by co-accused

Ranjit Singh, there is no other evidence against the petitioner. He further contends that in fact, Ranjit Singh, brother-in-law of the petitioner is inimical towards the present petitioner. In fact, Ranjit Singh had solemnized marriage with sister of petitioner, after running away from the home and Ranjit Singh and sister of the petitioner had filed a petition before this Court, seeking protection of life and liberty. Due to the said enmity, the petitioner has been falsely involved in the present case. Learned counsel further contends that the petitioner is in custody since 26.09.2023 and no recovery was effected from him.

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 the provisions of NDPS Act has been registered against the present petitioner, however, he is on bail in the said case.

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

6. The petitioner was arrested in the present case on 26.09.2023 and is in custody since for the last about 04 months. Even no recovery was effected from the present 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. 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