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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M No.60050 of 2023 (O&M)

Date of decision : 10.01.2024

Pawandeep Singh

..... Petitioner

versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR.JUSTICE PANKAJ JAIN

Present :- Mr. Amit Arora, Advocate for the petitioner.

Mr. J.S.Arora, DAG, Punjab.

PANKAJ JAIN, J. (ORAL)

1 This petition has been filed under Section 439 Cr.P.C. for grant of regular bail in case F.I.R. No.27 dated 19.04.2023 registered under Sections 379-B IPC and Section 25 of Arms Act (Offences under sections 379/411/34 IPC and section 21 (c) /29 of NDPS added later on) at Police Station Chohla Sahib, District Tarn Taran.

2 Custody certificate has been filed. The same is taken on record.

3 FIR was registered on the information received from one Naveen Chandel as per which he alleged that on 18.04.2023 when he visited Darbar Sahib at Tarn Taran, 3 muffled faced youngsters who were on motorcycle snatched keys of his car. It is further case of the prosecution that one of the accused namely Lovepreet Singh @ Lovely suffered a statement which led to recovery of 300 grams of heroin from his house. So far as the petitioner is concerned, the incriminating evidence against him is the motorcycle recovered from the petitioner which was used by him in the offence.

4 Learned counsel for the petitioner submits that the investigation already stands concluded. Challan stands presented. So far as the allegation with respect to offence punishable under NDPS Act is concerned, there is no recovery from the petitioner. Petitioner is behind bars since 22.04.2023 and had clean antecedents prior to his involvement in the present case. He further submits that *qua* other case in FIR No.46 dated 11.03.2022 registered under Sections 379(B)/34 IPC/25-54-59 of Arms Act at P.S. City Patti, the petitioner has been nominated only after his arrest in the present case.

5 Learned State counsel on instructions from ASI Bhagwant Singh is not in a position to dispute the aforementioned factual assertions based on record. It is admitted that so far as the recovery of heroin is concerned, the same is attributed to Lovepreet Singh @ Lovely only.

6 I have heard learned counsel for the parties and have gone through the records of the case.

7 Without commenting on the merits of the case and considering the incarceration suffered by the petitioner, the 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.

(PANKAJ JAIN)
JUDGE

10.01.2024
Pooja sharma-I

Whether speaking/reasoned	Yes
Whether Reportable :	No