



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

CRM-M-56009-2024

Date of Decision: 12.12.2024

Varinder Singh @ Bhalwan

...Petitioner

vs.

State of Punjab

...Respondent

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

Present : Mr. Ruhani Chadha, Advocate
 for the petitioner.

Mr.M.S.Bajwa, Deputy Advocate General, Punjab.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the second petition under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 with a prayer to grant regular bail in case FIR No.108 dated 05.06.2023 registered under Sections 21(C), 25 and 29 of NDPS Act, 1985, at Police Station Chheharta, District Amritsar.
2. Learned counsel for the petitioner contends that the FIR was initially registered against Nishan Singh and Heera Singh and both the said accused were arrested by the police with 1kg 750 grams of Heroin. He further submits that during the course of investigation, Heera Singh and Nishan Singh had suffered their respective disclosure statements and the petitioner was arrayed as an accused in the present case. He further contends that after his arrest, no recovery was effected from the petitioner and except the disclosure statements suffered by co-accused, there is no other evidence against him. Learned counsel further submits that the petitioner is facing trial

in two other cases under the provisions of NDPS Act, but the petitioner is on bail in both the cases. He further contends that challan in the present case has already been presented against the petitioner and only 5 witnesses, out of total 24 witnesses, have been examined so far. Thus, custody of the petitioner will not serve any meaningful purpose.

3. On the other hand, learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner on the ground that the petitioner is a habitual offender and is involved in two more criminal cases.

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

5. In the present case, the petitioner is in custody for the last about 01 year and 06 months and no contraband was recovered from him. Still further, the prosecution has been able to examine only 05 witnesses so far and further custody of the petitioner will not serve any meaningful purpose.

6. 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.*

(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 every 1st Monday in English calander month to 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 to 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

12.12.2024.
hemlata

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