

224 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-61886-2023

Date of Decision:13.02.2024

Satwant Singh @ Sabbi

...Petitioner

vs.

State of Punjab

...Respondent

Coram : Hon'ble Mr. Justice N.S. Shekhawat**Present :** Mr. Kamal Gupta, 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.0207 dated 16.08.2021 registered under Section 21(b) of NDPS Act (Sections 21(c) and 29 NDPS Act added later on), at Police Station City Tarn Taran, District Tarn Taran.

2. Learned counsel for the petitioner contends that on the basis of the secret information, the petitioner was allegedly arrested by the police on 16.08.2021, while he was carrying 225 grams of heroin. Learned counsel further contends that the petitioner has already undergone about 01 year and 2 months of custody. Since the recovery of contraband from the present petitioner is non-commercial in nature, the rigors of Section 37 of NDPS would not apply with the facts of the present case. He further contends that similarly placed co-accused, namely, Gurmail Singh has already been granted the concession of bail by this Court, vide order dated 07.12.2021 passed in CRM-M-49297-2021

(Annexure P-4). Learned counsel further contends that the final report under Section 173 Cr.P.C. has already been presented against the present petitioner and the 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 there are serious allegations against the petitioner.

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

5. The petitioner is in custody for the last 01 year and 02 months. Further, the quantity of contraband recovered from the present petitioner is non-commercial in nature and the provisions of Section 37 of NDPS Act would not apply. Moreover, similarly placed co-accused has already been granted the concession of regular bail by this Court, vide order Annexure P-4.

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 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.*

13.02.2024
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(N.S.SHEKHAWAT)
JUDGE

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