

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-63705-2023
Date of Decision:06.03.2024

Ranjit Singh @ Rana ...Petitioner
vs.
U.T Chandigarh ...Respondent

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

Present: Mr. Rishu Mahajan, Advocate
for the petitioner.

Mr. Viranjeet Singh Mahal, Addl. P.P,
U.T Chandigarh.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the present petition under Section 439 Cr.PC with a prayer to grant regular bail to him in case FIR No. 120 dated 15.10.2023, registered under Sections 21/29 of NDPS Act, Police Station Manimajra, Chandigarh.
2. Learned counsel for the petitioner contends that the petitioner has not been named in the FIR and was falsely involved on the basis of disclosure statement made by co-accused Ranjit Singh son of Inderjeet Singh. He further contends that the recovery of 15.30 grams of heroin and Rs.12,000/- cash was planted on the petitioner. He further contends that the petitioner was arrested in the present case on 24.10.2023. He next contends that the alleged recovery falls within the ambit of “non-commercial” quantity and he is in custody for the last more than 04 months. Even the investigation has been completed and the charge has been ordered to be framed against him. Thus, the conclusion of the trial

may take quite a long time

3. On the other hand, learned State counsel has vehemently opposed the prayer made by learned counsel for the petitioner on the ground that two more cases under NDPS Act have been ordered to be registered against the present petitioner, however, the petitioner is on bail in the said two cases.

4. On the contrary, learned counsel for the petitioner submits that in one case the petitioner has already been acquitted and in the other case, he is on bail.

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

6. The petitioner was arrested in the present case on 24.10.2023 and the final report under Section 173 Cr. P.C has already been presented against him. Apart from this, the alleged recovery of contraband from the present petitioner is non-commercial in nature.

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.

06.03.2024
hitesh

(N.S.SHEKHAWAT)
JUDGE

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