

226

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-64093-2023
Date of decision : 04.01.2024

Rajvir Singh @ Rajbir Singh @ RajuPetitioner

Versus

State of PunjabRespondent

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. Umesh Aggarwal, Advocate
for the petitioner.

Mr. Jaswinder S. Arora, DAG, Punjab
with ASI Jasbir Kumar.

PANKAJ JAIN, J. (ORAL)

This petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case F.I.R. No.284 dated 15.09.2023 registered for the offences punishable under Sections 21(B) and 29 of Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station STF, District SAS Nagar, Mohali.

2. Custody Certificate of the petitioner has been filed today in Court. The same is taken on record.

3. As per the case of the prosecution a secret information was received w.r.t. the present petitioner indulging in selling *heroin*. It is being claimed that on seeing police party the petitioner took out a transparent wax envelope from the right pocket of the lower he was wearing and threw it in

the grass beside the road. The petitioner was apprehended and from the envelop that was thrown by the petitioner it was found that the same contained 210 grams of *heroin*.

4. Petitioner is stated to be in custody for more than 3 months and 18 days. Challan already stands presented. Almost all the witnesses are official witnesses and thus there can't be any apprehension that the petitioner shall tamper with the evidence. As per the custody certificate, the petitioner has no past antecedents. The quantity recovered being non-commercial rigors of Section 37 of 1985 Act would not be attracted.

5. State Counsel is not in posititon to dispute the factual assertions made by counsel for the petitioner borne out of record.

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

7. Without commenting on the merits of the case, keeping in view the incarceration already suffered by the petitioner and the fact that the investigation already stands concluded and Challan stands presented, the present petition is allowed. The petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned.

8. 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 cellphone number without permission of the trial Court.
- (vii) The petitioner shall not in any manner try to delay the trial.

9. In case of breach of any of the aforesaid conditions and those which may be imposed by the Trial Court, the prosecution shall be at liberty to move cancellation of bail of the petitioner.

10. Needless to say that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

January 04, 2024
Dpr

(Pankaj Jain)
Judge

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