

209 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.64002 of 2023 (O&M)
Date of decision : 02.02.2024

Lovepreet Singh Petitioner

versus

State of Punjab Respondent

CORAM : HON'BLE MR.JUSTICE PANKAJ JAIN

Present :- Mr. Prateek Pandit, Advocate
for the petitioner.

Mr. Iqbal Singh Mann, DAG, Punjab

PANKAJ JAIN, J. (ORAL)

1 This third petition has been filed under Section 439 Cr.P.C.
for grant of regular bail in case F.I.R. No.12 dated 19.01.2022 registered
under Sections 21/29 of NDPS Act at Police Station Gate Hakima
District Amritsar.

2 As per the case of the prosecution, one Gurjodh Singh @
Jodha along with Prabhjodh Singh @ Sonu @ Prabjot Singh were
apprehended and from the rear seat of motorcycle of Gurjodh Singh @
Jodha 270 grams of heroin was recovered. The said accused are further
stated to have nominated the present petitioner along with one
Mohammad Hasim.

3 Learned counsel for the petitioner submits that the main
accused namely Gurjodh Singh @ Jodha and Prabhjodh Singh @ Sonu
@ Prabjot Singh already stand admitted to bail by this Court vide order

dated 27.04.2022 passed in **CRM-M-16466-2022** and that dated 13.12.2023 passed in **CRM-M-17603-2023**. Apart from that the petitioner is behind bars for more than 1 year, 9 months & 24 days. Further reliance is being placed upon ***Tofan Singh Vs. State of Tamil Nadu, (2021) 4 SCC 1*** to submit that disclosure made by co-accused being a weak piece of evidence cannot be solely relied upon to drive home guilt of the petitioner.

4 Learned State counsel on instructions from Investigating Officer is not in a position to dispute the aforementioned factual assertions based on record.

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

6 Without commenting on the merits of the case by granting parity with co-accused 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.*

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

02.02.2024

Pooja sharma-I

(PANKAJ JAIN)
JUDGE

Whether speaking/reasoned

Whether Reportable :

Yes

No