

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-410-2024
Date of decision : 21.02.2024

Govinderjit Singh Petitioner

versus

State of Punjab Respondent

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. L.S. Sidhu, Advocate
for the petitioner.

Mr. Jasjit Singh, DAG, Punjab.

PANKAJ JAIN, J. (Oral)

1. Present petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case bearing FIR No.219 dated 08.10.2023, registered for the offence punishable under Section 21(b) of NDPS Act, 1985 (Section 29 of NDPS Act, 1985 added later on) at Police Station Talwandi Sabo, District Bathinda.
2. As per the prosecution, while the police party was patrolling and checking suspected persons, petitioner alongwith co-accused were found standing alongwith one Activa. From the seat of the said Activa scooter, 110 gms. of heroin in transparent carry bag was recovered. Petitioner is in custody since 11.10.2023 and has by now suffered incarceration for more than 04 months and 12 days.
3. Counsel for the petitioner submits that the investigation already stands completed as the police report stands filed. The contraband recovered from the petitioner is of intermediate quantity and

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thus rigours of Section 37 of the NDPS Act would not be attracted. Hence, there being no apprehension that the petitioner shall tamper with the evidence and he deserves to be released on bail.

4. *Per contra*, State counsel however submits that the petitioner is a repeated offender and already having earned conviction in FIR No.179 dated 31.07.2017, for offences punishable under Sections 21, 61 and 85 of NDPS Act.

5. Faced with the situation, counsel for the petitioner refers to judgment of conviction Annexure P-6 to submit that in that matter also, quantity involved was 50 gms. of heroin and submits that the petitioner did not challenge the order of conviction as the sentence awarded was already undergone.

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

7. Without commenting on the merits of the case, keeping in view the incarceration suffered by the petitioner and the fact that challan stands presented and the quantity alleged to have been recovered is less than commercial, the present petition is allowed. 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.

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- (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.
8. 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.
9. Ordered accordingly.

(PANKAJ JAIN)
JUDGE

21.02.2024
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Whether speaking/reasoned :	Yes
Whether Reportable :	No