



214

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-63398-2024**Date of Decision: 20.12.2024**

Wasi Khan alias Vasi Khan

...Petitioner

vs.

State of Punjab

...Respondent

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

Present : Mr. Neeraj Yadav, Advocate
for the petitioner.

Mr. Rubal Pawar, Assistant Advocate General, Punjab.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the instant petition under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 with a prayer to grant regular bail to him in case FIR No.54 dated 13.03.2024 registered under Sections 21, 25, 27-A, 29, 61, 85 of NDPS Act, at Police Station Gharinda, District Amritsar.

2. Learned counsel for the petitioner contends that as per the case of the prosecution, co-accused namely Gursewak Singh was arrested by the police, while he was having 1 kg of Heroin in his conscious possession without any permit or licence. After his arrest, he stated that the heroin was to be sold to the present petitioner and on the basis of his disclosure statement, the offence under Section 29 of NDPS Act was added vide DDR No.30 dated 13.03.2024. He further contends that except the disclosure statement suffered by co-accused, there was no other evidence against the petitioner and his case was clearly distinguishable from the case of Gursewak Singh, main accused. The petitioner was arrested on 16.03.2024 and the recovery of Rs. 4 lacs as drug money was



illegally shown from the hotel room of the Naveen Garoda, co-accused. He further contends that the petitioner is not facing any other prosecution under the provisions of NDPS Act. Learned counsel further relied upon the order dated 26.11.2024 passed by this Court, wherein similarly placed co-accused, namely, Naveen Garoda has been granted the concession of bail in CRM-M-57921-2024.

3. On the other hand, learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner on the ground that the petitioner was a purchaser of the contraband and Gursewak Singh was going to him to sell heroin. He further contends that the petitioner had colluded with the main accused Gursewak Singh and the petition is liable to be dismissed by this Court.

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

5. In the present case, Gursewak Singh was arrested by the police with 1 kg of heroin and thereafter, on the basis of his disclosure statement, the petitioner was arrayed as an accused in the present case. However, no contraband was recovered from the conscious possession of the petitioner and his case is at different footing than Gursewak Singh.

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.
- (vii) The concerned Court may insist on two heavy solvent sureties and may also impose any other condition, in accordance with law, while accepting the bails bonds and surety bonds of the petitioner.

20.12.2024.
hemlata

(N.S.SHEKHAWAT)
JUDGE

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