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

CRM-M-30873-2024**Date of Decision:07.04.2025**

Daljit Singh @ Vijay Kumar

...Petitioner

vs.

State of Punjab

...Respondent

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

Present : Mr. P.S Sekhon, Advocate with
Mr. Kaushal Chahal, Advocate
for the petitioner.

Mr.M.S.Bajwa, Deputy Advocate General, Punjab.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the instant petition under Section 439 of the Cr.P.C. with a prayer to grant regular bail to him in case FIR No.25 dated 17.02.2022 registered under Sections 18, 25 and 29 of NDPS Act, 1985, at Police Station Sadar Jagraon, District Ludhiana.

2. The FIR in the present case was registered on the basis of the statement made by SI Chamkaur Singh and the same has been reproduced below:-

“SHO, P.S. Sadar Jagraon, Jai Hind. Today I SI alongwith ASI Resham Singh No.62, C Tajinder Singh 216, C Harmandeep Singh 95, while riding on government vehicle bearing No. PB-10GK-4168, Whose driver is ASI Harjinder Singh 465, in connection with checking of suspicious persons, were present at Bus stand, Sidhwan Khurd then at about 06:30 AM, the secret informant gave information to me that Jagtar Singh @ Jaggi son of



Sher Singh, resident of Kothe Sher Jang, P.S. City Jagraon, Harjinder Singh son of Darshan Singh resident of Kotla Afgana, P.S. Sahnewal and Daljit Singh son of Jagsir Singh, resident of Sidhwan Kalan, P.S. Sadar Jagraon, they all of three are doing the business of selling opium in connivance with each other. Today also, they are coming towards Jagraon City, while riding on vehicle make Ashoka Leyland bearing No. PB-13BG-9485, for supplying the opium. If checking is done by laying picket on link road Gurhe to Virka leading from Sidhwan Kalan to Sawaddi Kalan, then all of the three can be apprehended red handed with opium and above said vehicle and opium in large quantity can be recovered from them. The information is true and reliable. By doing so, fulfills the ingredients of offence of Sections 18-25-29-61-85 NDPS Act and 120-B IPC. So, the present ruqa after preparation, is sent to P.S. Sadar Jagraon through C Tajinder Singh 216 for registration of FIR for the said offences against Jagtar Singh @ Jaggi son of Sher Singh, resident of Kothe Sher Jang, P.S. City Jagraon, Harjinder Singh son of Darshan Singh resident of Kotla Afgana, P.S. Sahnewal and Daljit Singh son of Jagsir Singh resident of Sidhwan Kalan, P.S. Sadar Jagraon. FIR be registered and number of FIR be informed. DCR be informed. Special reports be issued. The investigating officer be sent to the spot for further investigation. I, SI alongwith fellow officials, am departing to the spot. Today at place at Bus stand Sidhwan Khurd at 07:15 AM. Sd/-Chamkaur Singh SI/205 CIA Staff Jagraon dated 17.02.2022.”

3. Learned counsel for the petitioner contends that the petitioner and his co-accused, namely, Jagtar Singh @ Jaggi and Harjinder Singh were arrested, while they were carrying 13 kg of *Opium* in their truck. He further contends that the petitioner had no concern with the alleged recovery and has



been wrongly arrested in the present case on 17.02.2022. He further contends that the present petitioner has already undergone total custody of 03 years, 01 month and 13 days. The prosecution had examined 02 witnesses, out of total 16 witnesses so far. He further contends that even though, one more case was registered against the petitioner, however, the petitioner was convicted in that case and has already undergone the total sentence in the said criminal case. Learned counsel for the petitioner has further relied upon the law laid down by the Hon'ble Supreme Court in the matter of SLP No. 6690 of 2022, titled as **“Dheeraj Kumar Shukla Vs. State of Uttar Pradesh”**, in which the Hon'ble Supreme Court held as follows:-

“2. The allegations are that on a secret information, the police authorities intercepted two vehicles on 23.06.2020 i.e. one 'Gray' coloured 'Honda City' car and the second 'White' coloured 'Swift Dzire' car. On an interrogation at the spot, Praveen Maurya @ Puneet Maurya, Rishab Kumar Maurya and Dheeraj Kumar Shukla were found to be occupants of the 'Honda City' car whereas the petitioner was driving the 'Swift Dzire' car. On taking a search, more than 92 kgs. Ganja was allegedly recovered from 'Honda City' car where as more than 65 kgs. Ganja was recovered from 'Swift Dzire' Car. The accused were arrested at the spot. The petitioner is, thus, in custody since 24.06.2020.

3. It appears that some of the occupants of the 'Honda City' Car including Praveen Maurya @ Puneet Maurya have since been released on regular bail. It is true that the quantity recovered from the petitioner is commercial in nature and the provisions of Section 37 of the Act may ordinarily be attracted. However, in the absence of criminal antecedents and the fact that the petitioner is in custody for the last two and a half years, we are satisfied that the conditions of Section 37 of the Act can be dispensed with at



this stage, more so when the trial is yet to commence though the charges have been framed.

4. For the reasons stated above but without expressing any views on the merits of the case, the petitioner is directed to be released on bail subject to his furnishing bail bonds to the satisfaction of the trial Court.”

4. On the other hand, learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner on the ground that one more case was registered against the present petitioner and the petition deserves to be dismissed by this Court.

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

6. In the present case, the petitioner has already undergone the custody of more than 03 years and 01 month. After presentation of challan, the trial had formally commenced and the case is still listed for prosecution evidence. Thus, there is no likelihood of early conclusion of the trial in the present case.

7. Consequently, keeping in view the above stated facts and the law laid down by the Hon'ble Supreme Court in the matter of Dheeraj Kumar Shukla's case (Supra), 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 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 every 1st Monday in English calander month to the concerned SHO till the conclusion of the trial and SHO shall mark his presence by making an entry in the rojnamcha. In case, he does not report on every 1st Monday to the concerned SHO, it shall be viewed seriously and the concession granted to him shall be liable to be cancelled and the prosecution shall be at liberty to move an appropriate application in this regard.
8. Pending application, if any, is also disposed of.

07.04.2025
hemlata

(N.S.SHEKHAWAT)
JUDGE

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