

CRM-M-40112-2024

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-40112-2024
Reserved on: 03.03.2025
Pronounced on: 11.03.2025

Prince alias Goli ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Kamal Chaudhary, Advocate
for the petitioner.

Mr. Adesh Pal Singh, AAG, Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
110	24.06.2018	Lopoke, District Amritsar Rural	22 of NDPS Act (Section 29 of NDPS Act added subsequently)

1. The petitioner incarcerated in the FIR captioned above had come up before this Court under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking regular bail.

2. Per paragraph 8 of the bail petition as well as custody certificate dated 28.02.2025, the accused has the following criminal antecedents:

Sr. No.	FIR No.	Date	Offenses	Police Station
1	425	05.12.2014	22/61/85 of NDPS Act	Chherretta
2	86	23.07.2017	21/25/29/61/85 of NDPS Act	Chatiwind

3. The facts and allegations are being taken from translated copy of the FIR, which reads as follows:

“To the SHO Police Station Lopoke "Sat Sri Akal" Today I ASI along with HC Bhupinder Singh No.15, HC Rasal Singh No.1290 and PHG Hardeep Singh No.3059 were patrolling on a private vehicle in search of bad elements and were going from the backside of Chogawan towards Konala, Chawinda, etc and when police party crossed the sewerage bridge of Chogawan then a young person wearing a T-shirt and a Capri was seen

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walking at the edge of the road who suddenly panicked upon seeing the police party and tried to throw a weighty black coloured polythene from the right pocket of his capri. On suspicion, he was apprehended with the help of the police party and upon asking he told his name as Gurlal Singh son of Kashmir Singh religion Majhbi Sikh resident of Chogawan. I ASI asked about the contents of the black polythene which he was holding to which he replied that it contained narcotic powder. Before searching, many attempts were made to stop the passers-by and join as witnesses to the police party, but no one agreed for the same. On which I ASI checked the said polythene in the presence of fellow employees and upon opening the same, a whitish-brown narcotic powder was recovered. Then I ASI weighed the said powder on an electronic scale which came out to be 300 gms. A parcel of recovered narcotic powder was prepared and sealed with my stamp with impressions M.S and a separate sample parcel was also prepared. After using the stamp, it was handed over to HC Bhupinder Singh No.15. A separate memo was made qua the recovered contraband. Due to immediate recovery, no Gazetted officer or a Magistrate was called. Accused Gurlal Singh has committed the offence under section 22-61-85 of NDPS Act by keeping 300 gms of the contraband. After preparing memo, PHG Hardeep Singh No.3059 was sent to register the case at Police Station. After registering the case a number should be allotted to the same. Special reports should be issued and sent to Illaqa Magistrate and Officers. Control Room should be informed through wireless. I ASI along with fellow employees are busy at the spot. Sd/Manjeet Singh ASI Police Station Lopoke Date 24.06.2018. Today at spot Sewerage Bridge Chogawan at 04.05 PM.”

4. The petitioner's counsel prays for bail by imposing any stringent conditions and contends that further pre-trial incarceration would cause an irreversible injustice to the petitioner and their family. He further submits that earlier petitioner was on bail but due to absence, his bail cancelled and undertake to appear on each and every date before the trial court.

5. The State's counsel opposes bail and refers to the reply.

REASONING:

6. The petitioner was earlier on bail; however, he failed to appear, which led to the cancellation of the bail vide order dated 15.02.2021 and he was declared proclaimed offender vide order dated 16.12.2022.

7. The petitioner was earlier granted bail, and as such, this court is inclined to grant

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bail subject to the strict condition that the petitioner shall not remain absent from the trial even on a single day and subject to compliance with the following conditions.

8. Without commenting on the case's merits, in the facts and circumstances peculiar to this case, and for the reasons mentioned above, the petitioner makes a case for bail. CONDITIONS:

9. Given above, provided the petitioner is not required in any other case, the petitioner shall be released on bail in the FIR captioned above subject to furnishing bonds to the satisfaction of the concerned Court and due to unavailability before any nearest Ilaqa Magistrate/duty Magistrate. Before accepting the surety, the concerned Court must be satisfied that if the accused fails to appear, such surety can produce the accused.

10. While furnishing a personal bond, the petitioner shall mention the following personal identification details:

1.	AADHAR number	
2.	Passport number (If available) and when the attesting officer/court considers it appropriate or considers the accused a flight risk.	
3.	Mobile number (If available)	
4.	E-Mail id (If available)	

11. This order is subject to the petitioner’s complying with the following terms.
12. The petitioner shall attend the Trial on every date and shall not seek any adjournment.
13. The concerned Judicial Magistrate/ Trial Court is authorized to delete, modify, or relax any of the conditions mentioned above and is competent to do so following the law.
14. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.
15. A certified copy of this order would not be needed for furnishing bonds, and any Advocate for the Petitioner can download this order along with case status from the official web page of this Court and attest it to be a true copy. If the attesting officer wants to verify its authenticity, such an officer can also verify its authenticity and may download and use the downloaded copy for attesting bonds.

16. Petition allowed in terms mentioned above. All pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

11.03.2025
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Whether speaking/reasoned: Yes
Whether reportable: No.