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

CRM-M-55345-2024**Date of Decision:08.04.2025**

Gagandeep alias Gaggi

...Petitioner

vs.

State of Punjab

...Respondent

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

Present : Mr. Lakshay Bector, 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.53 dated 16.03.2018 registered under Section 22 of NDPS Act, at Police Station Division No.5, Jalandhar.

2. Learned counsel for the petitioner contends that the petitioner was initially arrested on 16.08.2018 and was granted the concession of regular bail by this Court, vide order dated 05.08.2021 (Annexure P-2). Thereafter, the petitioner absented from the Court proceedings on 03.10.2022 and his bail order was cancelled and warrants of arrest were ordered to be issued against him. He further submits that the petitioner surrenders again on 02.09.2023 and is in custody since then. He next contends that only 02 witnesses prosecution, out of total 09 witnesses, have been examined so far and his further custody will not serve any meaningful purpose.

3. On the other hand, learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner on the ground that 09 other cases have been ordered to be registered against the present petitioner, but he is on bail in majority of the cases.

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

5. It is not in dispute that the petitioner was earlier granted the concession of regular bail by this Court, vide order dated 05.08.2021 (Annexure P-2). Thereafter, the petitioner was again arrested on 02.09.2023 and is in custody since then. Even only two witnesses have been examined so far and the trial is not likely to conclude in near future.

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 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.*

(N.S.SHEKHAWAT)
JUDGE

08.04.2025
hemlata

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