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

CRM-M-56192-2024**Date of Decision: 10.02.2025**

Sukhi @ Mato

...Petitioner

vs.

State of Punjab

...Respondent

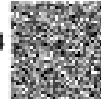
Coram : Hon'ble Mr. Justice N.S.Shekhawat**Present :** Mr. Jitender Singh Dadwal, Advocate
for the petitioner.

Mr. Deepinder Singh Brar, Senior DAG, 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.0245 dated 01.09.2024 registered under Sections 21(b), 29, 27-A, 61, 85 of NDPS Act, at Police Station Phillaur, District Jalandhar Rural.

2. Learned counsel for the petitioner contends that the petitioner was not initially named in the FIR and has been nominated as an accused on the basis of the disclosure statement suffered by his co-accused. He further contends that as per case of the prosecution, his co-accused, namely, Mohan Lal and Sunita were arrested at the spot and 16 grams of heroin was recovered from them. Even after arrest of the petitioner on 04.09.2024, 11 grams of heroin and Rs.16,500/- were recovered from him. He further contends that the entire recovery was non-commercial in nature and the bar contained in Section 37 of NDPS Act would not apply to the facts of the present case. He further contends



that the petitioner was also involved in one more case under Section 29 of the NDPS Act, but the petitioner has been granted the concession of bail in the said case.

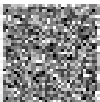
3. On the other hand, learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner on the ground that serious allegations have been levelled against the present petitioner and he does not deserve the concession of bail by this Court.

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

5. In the present case, the petitioner is stated to be in custody for the last more than 05 months. Even 11 grams of heroin was recovered from the petitioner, which is non-commercial in nature. The petitioner is on bail in another case, which was ordered to be registered against him. Still further, challan has already been presented against the petitioner 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.*

10.02.2025
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(N.S.SHEKHAWAT)
JUDGE

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