

Gurjeet Singh vs The State Of Nct Of Delhi on 10 February, 2023

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IN THE HIGH COURT OF DELHI AT NEW DELHI
CRL.REV.P. 135/2023
GURJEET SINGH

Through:

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Mr. Amit Chadha, Mr. Tushar
Mr. Atin Chadha, Mr. Sanjay
and Mr. R Deevanshu, Advs.

versus

THE STATE OF NCT OF DELHI

Through:

..... Resp
Mr. Ritesh Kumar Bahri, APP
State with SI Deepak, PS Vik

CORAM:

HON'BLE MR. JUSTICE ANISH DAYAL
ORDER

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CRL.M.A. 3662/2023.

10.02.2023

1. Exemption allowed subject to all just exceptions.

2. Application stands disposed of.

1. This petition has been filed seeking setting aside order dated 24th January, 2023 passed by the Ld. Special Judge, NDPS Act, Dwarka District Courts, South-West, New Delhi dismissing the application under section 167(2) Cr.P.C. filed by the petitioner on the ground that charge sheet was incomplete since it did not had the report of the Chemical Analyzer. As per the learned counsel for the petitioner, this legal issue is pending before the Hon'ble Supreme Court, as is evident from the orders passed in Mohd. Arbaz v. State of NCT of Delhi, SLP (Crl.) 8164-8166/2021.

2. Issue notice. Ld. APP for the State accepts notice. Status report be filed before the next date of hearing.

3. It is also indicated that in the meantime, if any decision is taken by the Hon'ble Supreme Court, it be brought on record of this Court, either by the State or by the learned counsel for the petitioner.
CRL.M.(BAIL) 203/2023

1. By this application, the petitioner seeks interim bail in relation to this FIR No. 27/2022 dated 08.01.2022 registered at PS Vikas Puri under Sections 18/25 NDPS Act on the ground that even in matters relating to commercial quantity in Mohd. Arbaz v. State of NCT of Delhi (supra), the Hon'ble Supreme Court in order dated 13th December, 2021, during the pendency of the SLPs, granted interim bail to those accused who had been incarcerated for a period 1 year 4 months and 2 years 11 months.

2. The petitioner herein has been in incarceration for 1 year 2 months as of today and have also been charged for possession of 750 g of opium which amounts to intermediate quantity, as per the NDPS Act.

3. In light of the above, this Court is inclined to grant interim bail to the petitioner till the next date of hearing on furnishing a personal bond in the sum of Rs. 50, 000/- with one surety of the like amount subject to the satisfaction of the Ld. Trial Court, further subject to the following conditions:

i. Petitioner will not leave the country without prior permission of the Court.

ii. Petitioner shall provide permanent address to the Ld. Trial Court.

The petitioner shall intimate the Court by way of an affidavit and to the IO regarding any change in residential address.

iii. Petitioner shall appear before the Court as and when the matter is taken up for hearing.

iv. Petitioner shall join investigation as and when called by the IO concerned.

v. Petitioner shall provide all mobile numbers to the IO concerned which shall be kept in working condition at all times and shall not switch off or change the mobile number without prior intimation to the IO concerned. The mobile location be kept on at all times. vi. Petitioner shall not indulge in any criminal activity and shall not communicate with or come in contact with any of the prosecution witnesses, the victim/complainant or any member of the victim/complainant's family or tamper with the evidence of the case.

4. Copy of the order be sent to the Jail Superintendent for information and necessary compliance.

5. Accordingly, the application is disposed of.

6. Copy of order be given dasti under the signatures of the Court Master.

7. List on 25th May, 2023.

8. Order be uploaded on the website of this Court.

ANISH DAYAL, J FEBRUARY 10, 2023/sm