

S.No.220

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

CRM-M-20664 of 2021

Date of Decision:27.07.2021

Tarsem Singh

.....Petitioner

Vs.

State of Punjab

.....Respondent

CORAM:- HON'BLE MR. JUSTICE H.S. MADAAN

Present:- Mr. Deepinder Brar, Advocate for the petitioner.

Mr. J.S. Ghuman, DAG, Punjab.

H.S. MADAAN, J.

The case has been taken up through video conferencing.

Custody certificate filed by the State Counsel be taken on record.

This petition for regular bail has been filed by the petitioner Tarsem Singh son of Shamsher Singh, aged about 32 years, resident of village Nagpur, District Fatehabad (Haryana), an accused in FIR No.199 dated 10.12.2020 registered with Police City-I, Mansa, District Mansa for offences under Sections 18, 21, 25, 29, 61, 85 of the NDPS Act.

Briefly stated the prosecution story is that on 10.12.2020, Mangey Ram and Balkar Singh were intercepted by the Police party and on being searched Mange Ram was found in possession of 100 gm of opium and Balkar Singh was found in possession of 90 gm of opium. They were arrested in this case. The recovered contraband was taken into possession by the police.

During the course of investigation, petitioner- Tarsem Singh working as a Head Constable in the Haryana Police was nominated being

supplier of the contraband. He was arrested in this case on 20.02.2021. He had filed an application for regular bail before Judge, Special Court, Mansa which was declined vide order dated 06.05.2021. As such, he has approached this Court for grant of similar relief.

I have heard learned counsel for the petitioner and learned State Counsel besides going through the record.

Learned counsel for the petitioner has contended that the petitioner is not named in the FIR. The recovery effected from him is on the lower side being 200 grams of opium only. The petitioner does not have any criminal record. Co-accused of the petitioner, namely, Bittu Kumar, had been granted interim bail by this Court vide order dated 16.03.2021 (Annexure P-2). Another co-accused Balkar Singh had been granted regular bail by this Court vide order dated 25.03.2021 passed in CRM-M-2415 of 2021 (Annexure P.3). Co-accused Mangey Ram alias Prince had been granted regular bail by this Court vide order dated 07.04.2021 passed in CRM-M-2992 of 2021 (Annexure P-4). The challan in this case has been filed but conclusion of the trial is likely to take some time.

Though learned State Counsel has opposed the prayer for grant of regular bail, but keeping in view the contentions forwarded by learned counsel for the petitioner and other factual circumstances especially the fact that the trial is at initial stage and its conclusion is likely to take some time and functioning of the Court has been hampered on account of outbreak of Covid-19 2nd wave, the petition is allowed. The petitioner, namely, Tarsem Singh is ordered to be released on bail on his furnishing bail bonds and surety bonds to the satisfaction of trial Court/CJM/Duty Magistrate, Mansa,

subject to the following conditions:-

- (i) he shall appear in the Court on each and every date of hearing;
- (ii) he shall not give any threat or intimidation to the prosecution witnesses;
- (iii) he shall not indulge in any criminal activity;
- (iv) he shall join the investigation as and when directed by the Investigation officer;
- (v) he shall not leave India without prior permission of the Court.

In addition to that the trial Court may impose any term and condition found suitable to ensure that the petitioner does not abscond and interfere in the trial. In case the petitioner violates any term and condition on which the bail has been granted to him, the prosecution would be entitled to apply for cancellation of bail.

July 27, 2021

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(H.S. MADAAN)

JUDGE

Whether Speaking/reasoned

Yes/No

Whether Reportable

Yes/No