

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

Sr. No.208

CRM-M-4580-2022

Date of decision : 28.9.2022

Ramandeep Singh @ Pindu

.....Petitioner(s)

VERSUS

State of Punjab

..... Respondent(s)

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present: Mr.Arshdeep Singh Brar, Advocate for the petitioner

Mr.Manipal Singh Atwal, DAG, Punjab

AMAN CHAUDHARY, J.

The present petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No.103, dated 22.9.2021, registered under Section 15 of NDPS Act (Section 29 NDPS Act added later on) at Police Station Samalsar, District Moga.

Learned counsel for the petitioner submits that the petitioner was not named in the FIR. He has been falsely implicated in the present case only on the basis of disclosure statement of his co-accused, who is in custody. The alleged recovery from the petitioner is 10 kgs of poppy husk, which is a non-commercial quantity. He further submits that the petitioner has been in custody since 24.9.2021. There is no other case against the petitioner.

Per contra, learned counsel for the State opposes the prayer of the petitioner on the ground that there is apprehension of influencing the prosecution witnesses. He further informs that though the charges have been framed in the present case but the trial is yet to commence. However, he is unable to controvert the custody of the petitioner and also he having been nominated in the FIR, on the basis of the disclosure statement of the co-accused.

Heard the learned counsel for the parties.

Considering the facts and circumstances of the case particularly that the petitioner was not named in the FIR; his name has surfaced on the basis of the disclosure statement of the co-accused; he is in custody since

24.9.2021; trial has not yet commenced though the charges have been framed; conclusion of the trial is likely to take a considerable time, thus, further detention of the petitioner behind bars would not serve any useful purpose, the present petition for grant of regular bail deserves to be allowed.

Accordingly, the present petition is allowed. The petitioner is ordered to be released on regular bail, subject to his furnishing bail/surety bonds to the satisfaction of trial Court/Duty Magistrate concerned and subject to him not being required in any other case. The petitioner shall abide by the following conditions:-

1. The petitioner will not tamper with the evidence during the trial.
2. The petitioner will not pressurise/ intimidate the prosecution witnesses.
3. The petitioner will appear before the trial Court on each and every date fixed, unless is exempted by a specific order of Court.
4. The petitioner shall not commit an offence similar to the offence of which, he is an accused, or for commission of which he is suspected of.
5. The petitioner shall not directly or indirectly coerce, inducement, threaten or promise to any person acquainted with the facts of the case so as to dissuade him/ her from disclosing such facts to the Court or to any police officer or tamper with the evidence in any manner.
6. The petitioner shall not in any manner misuse his liberty.
7. Any infraction shall entail in withdrawal of the benefit granted by this Court.

It is, however, clarified that nothing stated hereinabove be construed as a final expression of opinion on the merits of the case and the trial would proceed independently of the observations made above, which have only been made for the purpose of adjudicating the present petition for grant of regular bail.

28.9.2022

gsv

(AMAN CHAUDHARY)
JUDGE

Whether speaking/reasoned

:

Yes / No

Whether reportable

:

Yes / No