

CRM-M-15904 of 2022

:1:

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

214

CRM-M-15904 of 2022

Date of Decision: October 27, 2022

Ashok @ Shoki

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present:- Mr. V. B. Godara, Advocate
for the petitioner.

Mr. Gaurav Bansal, AAG, Haryana.

AMAN CHAUDHARY, J.(Oral)

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail to the petitioner in respect of FIR No.26 dated 10.02.2021, under Sections 22 (c)/27-A of NDPS Act, registered at Police Station Sadar Ratia, District Fatehabad.

Learned counsel contends that the petitioner has been in custody since 10.02.2021. He further submits that petitioner is not involved in any other case. It is his further submission that co-accused has also been granted bail by this Court vide order dated 31.03.2022, Annexure P-3. after he had been in custody for 01 year, 01 month and 19 days. He states that out of 20 witnesses only 5 have been examined. He relies upon the orders of Hon'ble the Supreme Court of India in *Special Leave to Appeal (Crl.) No.5769 of 2022 titled Nitish Adhikary @ Bapan Vs. The State of West Bengal decided on 01.08.2022, Special Leave to Appeal (Crl.) No.4173 of 2022 titled Shariful Islam @ Sarif Vs. The State of West Bengal decided*

on 04.08.2022 and Criminal Appeal No.1169 of 2022 titled Gopal Krishna Patra @ Gopalrusma Vs. Union of India decided on 05.08.2022.

Contrarily, learned State counsel opposes the bail on the ground that commercial quantity has been recovered from the petitioner. However, he is unable to controvert the fact that petitioner has been in custody w.e.f. 10.02.2021 and out of 20 witnesses 5 have been examined, two have been given up and that the petitioner is not involved in any other case.

I have heard learned counsel for the parties.

Keeping in view the facts and circumstances of the case particularly the fact that the petitioner has been in custody since 10.02.2021; co-accused has been granted bail; charges framed; since out of 20 witnesses only 5 have been examined, trial is likely to take considerable time to conclude, his further detention behind bars would not serve any useful purpose, the present petition for grant of regular bail deserves to be allowed.

As a result, 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 pressurize/ 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, induce, 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.”

In view of the above, this Court makes it clear that the observations made herein above are limited for the purpose of present proceedings and would not be construed as any opinion on the merits of the case and the trial would proceed independently of the aforesaid observations.

October 27, 2022
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(AMAN CHAUDHARY)
JUDGE

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