

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

208

CRM-M-27013-2022

Date of Decision: September 22, 2022

Sudesh Kumar

...Petitioner

Versus

Union of India through Intelligence Officer ...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present:- Mr. Ravinder Malik, Advocate for the petitioner.

Mr. Amit Kumar Goyal, Advocate
for Union of India

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 criminal case bearing NDPS No.21/2022 dated 22.04.2022 arising out of NCB Crime No.67/2021 dated 26.10.2021 under Sections 8, 20, 29 and 60 of NDPS Act registered at Police Station Narcotics Control Bureau, Chandigarh.

Learned counsel for the petitioner contends that petitioner was a paid driver of the vehicle, allegedly from which contraband was recovered from the air filter of the vehicle. Learned counsel further submits that the petitioner had no knowledge of the contraband being in the vehicle and there is no other case against the petitioner. He further submits that since 26.10.2021 the petitioner is in custody. The charge has not been framed and there are 11 witnesses in the case but none has examined so far. Reliance is also placed by learned counsel on the order passed by co-ordinate Bench of this Court in **CRM-M-20366 of 2020**

titled Satvir Singh @ Satta Vs. State of Haryana passed on 14.08.2020

wherein similar allegations had been levelled against person who was driver of a vehicle, from which contraband had been recovered, and he was released on bail by this Court.

Learned counsel for respondent NCB on the other hand opposes the bail of the petitioner on the ground that the quantity that has been recovered from the vehicle of which the petitioner was a driver is commercial in nature. However, learned counsel for the respondent is unable to controvert the fact that the petitioner is in custody since 26.10.2021.

I have heard learned counsel for the parties.

While considering the facts and circumstances of the case, and the order of Co-ordinate Bench in *Satvir Singh @ Satta* (supra); the petitioner being in custody since 26.10.2021; though charges have not been framed but there are 11 witnesses; the trial is yet to commence; more so, his further detention behind the bars would not serve any useful purpose, thus, the present petition for grant of regular bail to the petitioner 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.

September 22, 2022

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(AMAN CHAUDHARY)

JUDGE

Whether reasoned/speaking: Yes / No

Whether reportable: Yes / No