

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

Sr. No.206

CRM-M-30139-2022

Date of decision : 10.11.2022

Mukesh Kumar

.....Petitioner(s)

VERSUS

State of UT, Chandigarh

..... Respondent(s)

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present: Mr.Angel Sharma, Advocate for the petitioner

Mr.AM Punchhi, Public Prosecutor for UT, Chandigarh

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.88, dated 24.5.2021, registered under Section 20 of the NDPS Act at Police Station Sector- 34, Chandigarh

Learned counsel submits that the petitioner has been in custody since 24.5.2021 and is not involved in any other FIR. He further submits that out of a total 14 PWs, only one has been examined so far despite the fact that the challan in this case was presented on 14.10.2021. He further submits that as per the prosecution version, the FIR was registered at 1.15 AM, however, in his statement, Annexure P-2, Constable Manwinder Singh, stated that he handed over the original writing and copy of FIR to ASI Jarnail Singh at 12.52 AM. To buttress his submission, he placed reliance on SLP (CrI.) 5769 of 2022, titled as Nitish Adhikary @ Bapan vs. The State of West Bengal, decided on 01.08.2022, SLP (CrI.) 4173 of 2022, titled as Shariful Islam @ Sarif vs. The State of West Bengal, decided on 4.8.2022.

Custody certificate of the petitioner filed by the State is taken on record.

Contrarily, learned Public Prosecutor for UT, Chandigarh

opposes the bail petition on the ground that there is a recovery of commercial quantity of contraband. However, he is unable to controvert the submissions with regard to the custody and the status of the trial as also that the petitioner is not involved in any other case.

Heard the learned counsel for the parties.

Considering the facts and circumstances of the case particularly that the petitioner is in custody since 24.5.2021; he is not involved in any other case; out of a total 14 prosecution witnesses, only one has been examined as yet and therefore, the conclusion of the trial will 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.

Resultantly, 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 surrender his passport, if any, and will not leave the country without the permission of the Trial Court.
5. 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.
6. 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.
7. The petitioner shall not in any manner misuse his liberty.
8. Any infraction shall entail in withdrawal of the benefit granted by this Court.
9. The petitioner will furnish correct mobile number

and residential address and shall not change the same without prior intimation to the trial Court.

It is further clarified that if the petitioner does not abide by the aforesaid conditions, the State would be at liberty to seek cancellation of his bail.

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.

10.11.2022
gsv

(AMAN CHAUDHARY)
JUDGE

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