

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

CRM-M-30990-2022

Date of Decision: October 10, 2022

Sukhraj Singh alias Raja alias Vicky and another ...Petitioners

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present:- Mr. Ankit Kharbanda, Advocate for the petitioners.

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.0129, dated 25.05.2022, under Sections 21, 25, 27-A, 61 and 85 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (hereinafter referred as 'the NDPS Act'), registered at Police Station Jandiala, Amritsar Rural.

Learned counsel for the petitioners submits that the recovery in the present case as effected from petitioner No.1 is on the border line of the small quantity as per the schedule of the NDPS Act. He further submits that the petitioners have been in custody for the last more than four months. The petitioners are not involved in any other case. He further submits that despite the fact that the alleged recovery was effected from the public place, no independent witness was joined.

Learned State counsel on the last date of hearing had sought time to file the status report. He on instructions from ASI Baldev Singh

submits that the challan stands presented in this case on 09.09.2022, however charges are yet to be framed. There are 14 witnesses in all. He, however is unable to controvert the fact that the recovery effected from the petitioners is on the border line of small quantity as also the fact that the petitioners having been in custody for the last more than four months; there is no other case registered against them.

I have heard learned counsel for the parties.

Keeping in view the facts and circumstances of the case, in particular, the recovery effected in this case is on the border line of small quantity; the petitioners are in custody for more than four months; challan has been presented but charges have not been framed; and their further detention behind the 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 petitioners are ordered to be released on regular bail, subject to their furnishing bail/surety bonds to the satisfaction of trial Court/Duty Magistrate concerned and subject to their not being required in any other case. The petitioners shall abide by the following conditions:-

“1. The petitioners will not tamper with the evidence during the trial.

2. The petitioners will not pressurize/ intimidate the prosecution witnesses.

3. The petitioners will appear before the trial Court on each and every date fixed, unless is exempted by a specific order of Court.

4. The petitioners shall not commit an offence similar to the offence of which, they are accused, or for commission of which they are suspected of.

- 5. *The petitioners shall not directly or indirectly coerce, induce, threaten or promise to any person acquainted with the facts of the case so as to dissuade their from disclosing such facts to the Court or to any police officer or tamper with the evidence in any manner.*
- 6. *The petitioners shall not in any manner misuse their 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 purposes 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.

(AMAN CHAUDHARY)
JUDGE

October 10, 2022
sarita

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