

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

Sr. No.212

CRM-M-34680-2022

Date of decision : 20.9.2022

Virsa Singh

.....Petitioner(s)

VERSUS

State of Punjab

..... Respondent(s)

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present: Mr.Amit Arora, Advocate for the petitioner

Mr.MS 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.76, dated 23.7.2021, registered under Sections 21 and 29 NDPS Act at Police Station Chohla Sahib, District Tarn Taran.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case. He was not named in the FIR and his name has surfaced on account of disclosure statement of the co-accused, from whom 260 grams of heroin was allegedly recovered, which is 10 grams slightly higher than the commercial quantity. He further submits that though, there are 7 cases under NDPS Act, which had been registered against him, but in 6 cases, he has been acquitted and only in one case, he has been convicted and sentenced, with regard to the same, he has preferred an appeal, which is pending adjudication but his sentence has been suspended in that case by this Court. The petitioner is in custody for the

last about 6 months. Learned counsel relies upon **Tofaan Singh vs. State of Tamilnadu** 2020(1) RCR (CrI.), 1 and **Surender Kumar Khanna vs. Intelligence Officer, Directorate Revenue Intelligence**, 2018(3) RCR (CrI.) 954.

Per contra, learned counsel for the State opposes the prayer of the petitioner on the ground that the petitioner is a habitual offender and he has been convicted in 2 cases and the quantity though recovered from the co-accused is commercial. He, however, is unable to controvert the fact that the the petitioner has been involved in the present case on the disclosure statement of the co-accused. He further submits that the challan has been presented on 17.9.2022 and the now the case is fixed for framing of charges. He has also produced the custody certificate of the petitioner, which is taken on record. As per the same, the petitioner has been in custody since 24.3.2022.

Heard the learned counsel for the parties.

Considering the peculiar facts and circumstances of the case and the fact that the petitioner has not been named in the FIR; he was involved in the present case on the disclosure statement of his co-accused, from whom the recovery was effected; he is in custody since 24.3.2022; challan has been presented but the charges are yet to be framed, therefore, further detention of the petitioner 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 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.

20.9.2022
gsv

(AMAN CHAUDHARY)
JUDGE

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