

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

207

**CRM-M-36027-2022 (O&M)  
Date of decision: 04.11.2022**

**BALBIR SINGH @ FOUJI**

....Petitioner(s)

**Versus**

**STATE OF HARYANA**

...Respondent(s)

**CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY**

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Present : Ms. Meera Devi, wife of the petitioner.

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**AMAN CHAUDHARY. J.**

Bar is abstaining from work today.

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.165 dated 19.05.2022, under Sections 15/61/85 of the NDPS Act, registered at Police Station Bhuna, District Fatehabad.

As is evident from the perusal of the FIR as well as the petition, the alleged recovery is of 16 kg of poppy husk from one plastic bag lying beneath the seat of the conductor side of the pick-up jeep from the petitioner as well as co-accused, which is non-commercial as per the Schedule of the NDPS Act. It has been averred in para 3 of the petition that there is no independent corroboration to the same and mandatory provision under Section 50 of the NDPS Act have not been complied with. The petitioner is in custody from 19.05.2022, as mentioned in the order declining bail by the trial Court.

Ms. Meera Devi, has appeared in the Court today and stated herself

to be the wife of the petitioner (copy of the Aadhaar card affirming the above is taken on record as Mark-A). She has stated that the petitioner has been falsely implicated in the case and that he is the only breadwinner of the family, having two minor children, the elder being daughter, aged 18 years, studying in Class 12<sup>th</sup>, who she has stated, had to be withdrawn from the school, as there is no one to look after her at their home, while she has to go for doing labour work in the fields at Bikaner and a younger son.

In this case, report dated 14.11.2022, has been received vide diary No.26808 dated 04.11.2022 in the Registry of this Court which is taken on record as Mark-B. As per the same, challan has been filed on 12.07.2022 but the same is without FSL report and the charges are yet to be framed in this case.

Heard and perused the filed.

Keeping in view the facts and circumstances, in particular that the petitioner is in custody since 19.05.2022; the alleged recovery of the contraband is non-commercial; though the challan stands presented but the charges are yet to be framed; conclusion of trial is likely to take a considerable time, thus, his further detention 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 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.
8. The petitioner shall furnish his address and mobile number to the Trial Court forthwith and shall not change the same till the conclusion of the trial and in case for any reason, the petitioner seeks to change any of the aforesaid, the same shall be done only with prior intimation to the learned Trial Court, stating the reason for the same.
9. The petitioner shall deposit his passport, if any, with the Trial Court forthwith and in case, he does not have the passport, he shall furnish a specific affidavit in that regard.

It is made clear that in case of breach of any of the aforesaid conditions, the State shall be at liberty to seek cancellation of bail as granted to the petitioner by this order.

In view of the above, this Court makes it clarified 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.

**(AMAN CHAUDHARY)**  
**JUDGE**

**November 04, 2022**

*S.Sharma(syr)*

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|----------------------------------|---|---------------|
| <i>Whether speaking/reasoned</i> | : | <i>Yes/No</i> |
| <i>Whether reportable</i>        | : | <i>Yes/No</i> |