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

CRM-M-41445-2022
Date of decision : 01.12.2022

Mohit

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Amit Dhawan, Advocate for the petitioner.

Mr. Ramdeep Partap Singh, Sr. DAG, Punjab.

VIKAS BAHL, J. (ORAL)

This is the second petition filed under Section 439 of Cr.P.C. for grant of regular bail to the petitioner in FIR No.75 dated 21.04.2022 registered under Sections 21(C), 29, 61, 85 of the NDPS Act, and Section 25 of the Arms Act, 1959 at Police Station STF, STF Wing, SAS Nagar (Mohali).

Learned counsel for the petitioner has submitted that the petitioner is in custody since 21.04.2022 and investigation is complete and challan has been presented and there are 19 prosecution witnesses, out of which, none have been examined as yet and thus, the conclusion of trial is likely to take time. It is further submitted that the petitioner is not involved in any other case and that the petitioner had earlier filed regular bail application and on 13.07.2022, he had withdrawn the same at that stage on account of the fact that the report under Section 173 Cr.P.C. had not been submitted at that stage and the said report has now been submitted on 14.10.2022. It is

contended that no recovery of any narcotic drugs has been effected from the present petitioner and recovery of countrymade pistol has been effected from the present petitioner. It is further contended that all the witnesses are official witnesses.

On the other hand, learned State Counsel has opposed the present petition for grant of regular bail to the petitioner and has submitted that the petitioner alongwith one Sunny were walking when both were apprehended and from Sunny, heroin has been recovered which he was carrying in his shirt, kept in a transparent polythene bag. It is further contended that from the petitioner, in addition to the countrymade pistol, 26 live cartridges have also been recovered. However other facts as stated by learned counsel for the petitioner have not been disputed by the learned State Counsel.

This Court has heard the learned counsel for the parties and has perused the paper book.

Keeping in view abovesaid facts and circumstances more so, the facts that the petitioner is in custody since 21.04.2022 and investigation is complete and challan has been presented and out of 19 prosecution witnesses, none have been examined and thus, the conclusion of trial is likely to take time and the fact that the petitioner is not involved in any other case and that no recovery of any narcotic drug has been effected from the present petitioner and also the fact that all the witnesses are official witnesses, the present petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate, 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 not pressurize/intimidate the prosecution witnesses(s).
3. The petitioner will appear before the trial Court on the date fixed, unless personal presence is exempted.
4. The petitioner shall not commit an offence similar to the offence of which he is accused of, or for commission of which he is suspected.
5. The petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

In case of breach of any of the above conditions, the prosecution shall be at liberty to move an application for cancellation of bail before this Court.

However, it is made clear that in case, any act is done by the petitioner to threaten the complainant or any of the witnesses, then it would be open to the State to move an application for cancellation of bail granted to the petitioner.

Nothing stated above shall be construed as an expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail application.

01.12.2022

Pawan

**(VIKAS BAHL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No