

IN THE PUNJAB AND HARYANA HIGH COURT AT CHANDIGARH

CRM-M-42753-2022

Date of Decision: September 21, 2022

Tarlok Singh @ Jatan

-----Petitioner

Versus

State of Punjab

----Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present: Mr. Fatehjeet Singh, Advocate
for the petitioner.

Mr. M.S. Atwal, DAG, Punjab.

AMAN CHAUDHARY, J. (Oral)

The present petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in respect of FIR No.0200 dated 26.07.2022, under Section 21(b), 27(b) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (hereinafter referred as 'the NDPS Act') registered at Police Station City Malout, District Sri Muktsar Sahib.

Learned counsel for the petitioner submits that nothing has been recovered from the possession of the petitioner in this case. Though the allegations in the FIR are that he had thrown a plastic bag containing contraband. He alleges that the recovery is of 15 grams of heroin, which as per the schedule of the NDPS Act falls within the non-commercial quantity. He further submits that the petitioner is in custody since 26.07.2022. The challan has also been presented today i.e. 21.09.2022. The trial is likely to take some time.

Learned State counsel, on instructions from ASI Harbans Singh, opposes the prayer of the petitioner on the ground that the petitioner is involved in two more cases.

In rebuttal, learned counsel for the petitioner submits that in

one case, the petitioner was released on payment of fine and in other he is on bail.

Learned counsel for the State is unable to dispute the fact that the recovery effected from the petitioner is non-commercial in nature; that he is in custody since 26.07.2022; that trial is yet to commence.

I have heard learned counsel for the parties.

Keeping in view the facts and circumstances of the case, particularly, recovery is of non-commercial quantity; petitioner has been custody since 26.07.2022; which fact has been affirmed by the learned State counsel, who has produced the custody certificate, as per which, custody of the petitioner is 1 month, 24 days, the trial is yet to commence, and his 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 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 however 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.'*

In view of the above, this Court makes it clear 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

21.09.2022
Atul

Whether speaking/ reasoned	-	Yes/No
Whether reportable	-	Yes/No