

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

Sr. No.208

CRM-M-43860-2022

Date of decision : 27.9.2022

Vakil Chand @ Vicky

.....Petitioner(s)

VERSUS

State of Haryana

..... Respondent(s)

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present: Mr.Deepak Kumar, Advocate for the petitioner

Mr.Gaurav Bansal, AAG, Haryana

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.0231, dated 3.7.2022, registered under Sections 21(b), 61, 85 of the NDPS Act at Police Station City Ratia, District Fatehabad.

Learned counsel for the petitioner submits that the alleged recovery of the contraband effected from the petitioner is of non-commercial quantity. He further submits that it is a case where no independent witness was joined at the time of the alleged recovery of the contraband. The petitioner has been in custody since 3.7.2022. and the trial will take some time as no witness has yet been examined.

Per contra, learned counsel for the State opposes the prayer of the petitioner on the ground that the petitioner is also involved in another case of similar nature. He further informs that the challan has been presented on 29.8.2022 and now the case is fixed for framing of charges.

In rebuttal, learned counsel for the petitioner refers to Annexure P-2, copy of judgment dated 8.1.2020, to contends that in another matter, in which the petitioner was involved, he has been acquitted by the trial Court.

Heard the learned counsel for the parties.

Considering the peculiar facts and circumstances of the case and the fact that recovery of the contraband falls in the category of non-commercial; the petitioner is in custody since 3.7.2022; 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.

27.9.2022

gsv

(AMAN CHAUDHARY)
JUDGE

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