

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

CRM-M-44415-2022

Date of Decision: September 29, 2022

Santosh Kumar

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present:- Mr. Manvinder Sidhu, Advocate for the petitioner.

Mr. Gaurav Bansal, AAG, Haryana.

AMAN CHAUDHARY, J.(Oral)

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.583, dated 22.07.2022, under Sections 17 of the NDPS Act, 1985, registered at Police Station Sirsa City, District Sirsa.

Learned counsel for the petitioner submits that the recovery effected from the petitioner is 500 grams of opium, which is non-commercial quantity as per the schedule of the NDPS Act. He further submits that the petitioner has been in custody since 22.07.2022 and there is no other FIR against him.

Per contra, learned State counsel opposes the prayer of the petitioner on the ground that the petitioner along with other two co-accused was apprehended from the spot and from each of them, recovery effected was 500 grams opium separately. He further submits that the challan has been presented, however the charges have not yet been framed. He, however is unable to controvert the fact that the recovery effected is non-commercial and the petitioner is in custody since 22.07.2022.

I have heard learned counsel for the parties.

Keeping in view the facts and circumstances of the case, in particular, the recovery effected is non-commercial; petitioner is in custody for more than two months; challan has been presented but charges have not been framed; 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 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 purposes 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

September 29, 2022
sarita

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