

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

210+213

CRM-M-45708-2022 (O&M)
Date of decision: 17.11.2022

LAKHVIR SINGH @ BEER

....Petitioner

Versus

STATE OF PUNJAB AND ANR

...Respondents

CRM-M-49986-2022 (O&M)

RAJWINDER SINGH ALIAS KALA

....Petitioner

Versus

STATE OF PUNJAB AND ANOTHER

...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Ruhani Chadha, Advocate
for the petitioners.

Mr. M.S. Joshi, Additional AG Punjab.

AMAN CHAUDHARY. J.

This common order shall dispose of the above-mentioned two criminal miscellaneous petitions as both the petition arise out of a same FIR.

The present petitions have been filed under Section 439 Cr.P.C. for the grant of regular bail to the petitioners in respect of FIR No.84 dated 03.05.2022, under Sections 304 and 34 of the IPC and Section 29 of the NDPS Act, registered at Police Station Sultanpur Lodhi, District Kapurthala.

Learned counsel contends that the petitioners were not named in the FIR and their name surfaced on account of disclosure statement made by co-accused Gurpreet Singh, who is alleged to have taken Jugraj Singh @ Jugga (since deceased) to Jungle, whereby, due to overdose of intoxicants, it is stated

that the aforesaid person had died. He submits that no recovery has been effected from the petitioners and they are in custody since 04.05.2022. Challan has been presented on 02.07.2022 but charges have yet not been framed. There are 24 prosecution witnesses to be examined. Learned counsel submits that there is no other case of NDPS Act against the petitioners.

Contrarily, learned State counsel opposes the bail on the ground that the drug was supplied by the petitioners as per disclosure statement of co-accused Gurpreet Singh. He is, however, unable to controvert the fact that petitioners are in custody since 04.05.2022, there is no other case against the petitioners, charges are yet to be framed and in all there are 24 witnesses who are yet to be examined.

I have heard learned counsel for the parties.

In view of the facts and circumstances of the case, in particular that the petitioners are in custody since 04.05.2022; as stated the petitioners are not involved in any other case under the NDPS Act; charges are yet to be framed; there are 24 witnesses to be examined; trial is likely to take a considerable time, thus their further detention behind bars would not serve any useful purpose, the present petitions for grant of regular bail deserves to be allowed.

As a result, the present petitions are allowed. The petitioners are ordered to be released on regular bail, subject to their furnishing bail/surety bonds to the satisfaction of trial Court/Duty Magistrate concerned and subject to they not being required in any other case. The petitioners shall abide by the following conditions:-

1. The petitioners will not tamper with the evidence during the trial.
2. The petitioners will not pressurize/ intimidate the prosecution witnesses.
3. The petitioners will appear before the trial Court on each and every date fixed, unless is exempted by a specific order of Court.

4. The petitioners shall not commit an offence similar to the offence of which, they are accused, or for commission of which they are suspected of.
5. The petitioners 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 petitioners shall not in any manner misuse his liberty.
7. Any infraction shall entail in withdrawal of the benefit granted by this Court.
8. The petitioners shall furnish their 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 petitioners seek 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 petitioners shall deposit their passport, if any, with the Trial Court forthwith and in case, they does not have the passport, they shall furnish a specific affidavit in this 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 petitioners 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 17, 2022

S.Sharma(syr)

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