

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

216

**CRM-M-46489 of 2022
Date of decision: 14.11.2022**

KEWAL RAM

....Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. G.S. Sandhu, Advocate
for the petitioner.

Mr. Mani Pal Singh Atwal, DAG, Punjab.

AMAN CHAUDHARY. J.

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.0200 dated 26.07.2022 under Sections 21(b) and 27(b) of the NDPS Act, registered at Police Station City Malout, District Sri Muktsar Sahib.

Learned counsel for the petitioner contends that the petitioner is 60 years old and nothing has been shown to have recovered from the possession of the petitioner in this case. The allegations in the FIR are that co-accused Tarlok Singh @ Jatan had thrown the plastic bag containing contraband and the alleged recovery was 15 grams of heroin, which is a non-commercial quantity. He submits that there is no other case pending against the petitioner and he is in custody since 26.07.2022. He further submits that challan has been presented on 21.09.2022 but charges are yet to be framed and there are a total of 17 witnesses. He further contends that co-accused Tarlok Singh @ Jatan has since been granted bail by this Court on 21.09.2022(Annexure P-3).

Contrarily, learned State counsel on instructions from ASI Harbans

Singh has opposed the bail on the ground that petitioner was apprehended at the spot and contraband which is recovered was in joint custody of petitioner and co-accused-Tarlok Singh @ Jatan. He further submits that antecedents of the petitioner are not clear. However, he is unable to controvert the fact that the alleged recovery is non-commercial; petitioner has been in custody since 26.07.2022 and charges are yet to be framed.

I have heard learned counsel for the parties.

In view of the facts and circumstances of the case, in particular that the petitioner is in custody since 26.07.2022; co-accused has already been granted bail by this Court; though challan has been presented but charges are yet to be framed; there are a total of 17 witnesses, the trial is likely to take a considerable time, his further detention behind bars would not serve any useful purpose, thus, the present petition for grant of regular bail deserves to be allowed.

As a result, 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.
- 8. The petitioner shall furnish his 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 petitioner seeks 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 petitioner shall deposit his passport, if any, with the Trial Court forthwith and in case, he does not have the passport, he 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 petitioner 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 14, 2022
P.Bhatt

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