

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

209

CRM-M-47918-2022 (O&M)
Date of decision: 21.10.2022

JAGTAR SINGH

....Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. P.K.S. Phoolka, Advocate
for the petitioner.

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

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.0120 dated 21.08.2022 under Sections 18(b) of the Narcotic Drugs and Psychotropic Substances Act, 1985 , registered at Police Station Nathana, District Bathinda.

Learned counsel for the petitioner contends that the alleged recovery from the petitioner is 400 grams of opium, which is more than the small quantity. He further submits that the petitioner has been falsely implicated in the case on account of denial of illegal gratification by Police officials regarding complaining the matter to higher officials. He further submits that no independent witness was joined. Learned counsel submits that challan has been filed on 18.10.2022. The petitioner is in custody for last 02 months, though there are other cases against him, however, the same are also of non-commercial quantity, wherein, he is stated to be on bail. The recovery was stated to have been effected from a transparent polythene bag and places reliance upon the judgment passed by a co-ordinate Bench of this Court in the matter of **Baljinder Singh @ Binda Vs. State of**

Punjab decided on 12.11.2021 in CRM-M-25942-2021,

Learned State counsel opposes the bail petition on the fact that there are 03 more cases of similar nature against the petitioner. However, he is unable to controvert the fact that all the cases involve non-commercial quantity and the petitioner is on bail in them, challan has been filed and the petitioner is in custody for last 02 months and that there are 12 witnesses to be examined.

I have heard learned counsel for the parties.

In view of the aforesaid facts and circumstances as also the judgment passed by a co-ordinate Bench of this Court referred above; petitioner being in custody for the last 02 months, quantity being more than small quantity; there are 12 witnesses to be examined and trial has not commenced, 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.”*

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 bail.

In case the petitioner is found to be in violation of condition No.4, the State is at liberty to file an application for seeking cancellation of present bail order.

(AMAN CHAUDHARY)
JUDGE

October 21, 2022

S.Sharma(syr)

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