

CRM-M-49664-2022

:1:

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

215

CRM-M-49664-2022

Date of Decision: December 06, 2022

Sanjay

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present:- Mr. Lupil Gupta, Advocate
for the petitioner.

Ms. Aditi Girdhar, AAG, Haryana.

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.316 dated 30.07.2022, under Section 15 of NDPS Act, registered at Police Station Beri, District Jhajjar.

Learned counsel contends that petitioner has been in custody since 30.07.2022 and the alleged recovery effected from him is of 2 kgs of poppy husk which is non-commercial as per the schedule. He further submits that the challan has been presented on 23.09.2022, charges are yet to be framed and in all there are 15 witnesses. He further submits that petitioner is not involved in any other criminal case.

Learned State counsel on instructions from ASI Pritam submits that the recovery was effected from the petitioner who was arrested at spot. However, she is unable to controvert the fact that petitioner has been in custody since 30.07.2022 and that charges are yet to be framed and in all there are 15 witnesses.

Heard.

In view of the facts and circumstances of the case, in particular that

the petitioner has been in custody since 30.07.2022; non-commercial quantity has been recovered; charges are yet to be framed and in all there are 15 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.

Resultantly, 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 that 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, it is 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.

December 06, 2022
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(AMAN CHAUDHARY)
JUDGE

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