

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

221

CRM-M-52683 of 2022

Date of Decision: November 22, 2022

Chetan Kumar@ Cheenu

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present:- Mr. Sandeep Singh, Advocate
for the petitioner.

Mr. Kamalpreet Bawa, AAG, 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.94 dated 18.06.2022, under Section 22 of NDPS Act, registered at Police Station Sadar Jagraon, District Ludhiana.

Learned counsel for the petitioner submits that the alleged quantity recovered from the petitioner is non-commercial being 400 intoxicant tablets recovered from plastic envelop. He submits that the petitioner has been in custody since 18.06.2022. He further submits that there is non-compliance of Sections 40 and 50 of the NDPS Act. Charges have been framed, however, none of the 13 witnesses have yet been examined. He relies on order 16.09.2022 passed by this Court in CRM-M-41763-2022, Annexure P-2 wherein bail has been granted to a co-accused who is similarly situated to the petitioner from whom the petitioner is better placed as the alleged recovery from the petitioner is lesser than the co-accused and there is no other case against the petitioner.

Learned State counsel has produced the custody certificate dated

21.11.2022, which is taken on record.

Contrarily, learned State counsel has opposed the bail on the ground that the intoxicants have been recovered from him. However, he is unable to dispute the fact that the petitioner has been in custody since 18.06.2022; none of the witnesses have yet been examined and that he is not involved in any other case as also his co-accused has also been granted bail.

I have heard learned counsel for the parties.

In view of the facts and circumstances of the case, in particular that the the alleged recovery from the petitioner being non-commercial; petitioner has been in custody for last more than 5 months; none of the witnesses out of 13 have been examined yet; thus the trial is likely to take a considerable time, his further detention behind bars would not serve any useful purpose, 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, 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.

November 22, 2022
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(AMAN CHAUDHARY)
JUDGE

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