

**207 IN THE HIGH COURT OF PUNJAB AND HARYANA
CHANDIGARH**

CRM-M-53443-2022 (O&M)

Date of Decision: 23.11.2022

ABHISHEK SHARMA

...Petitioner

V/S

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK MANCHANDA

Present: Mr. Arihant Jain, Advocate
for the petitioner.

DEEPAK MANCHANDA J.

The petitioner is seeking regular bail in the case bearing FIR No. 205 dated 13.09.2022, under Sections 22, 29, 61 and 85 of NDPS Act, registered at Police Station Sunam District Sangrur.

Custody certificate filed and the same is taken on record.

Learned counsel for the petitioner contends that petitioner has been falsely implicated in the present case as initially petitioner was not named in the FIR and named only on the basis of disclosure statement of co-accused Gurwinder Singh @Bindri. It is further contended that petitioner was not arrested from the spot of occurrence and no recovery has been effected from him. Learned counsel for the petitioner has placed reliance upon the judgment of the Hon'ble Supreme Court in case titled as "*Tofan Singh Vs. State of Tamil Nadu*" reported as 2021(2) SCC 1 and judgment passed by this Court vide order dated 17.06.2021 in CRM-M 12051-2020 in case titled as "*Mewa Singh Vs. State of Punjab*".

Learned State counsel has opposed the bail application on the score that there is likelihood that petitioner may misuse the concession of bail but has not disputed the fact that no recovery is effected from the petitioner.

Having heard learned counsel for the parties and gone through the case file and custody certificate, it is significant to note that alleged recovery has not been effected from the petitioner and has been implicated on the basis of disclosure statement of co-accused.

Keeping in view the above said facts and circumstances and in view of the law laid down in the above said judgments, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail / surety bonds to the satisfaction of the concerned trial Court/ Duty Magistrate and subject to him not being required in any other case. The petitioner shall also 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 witness(s).
3. The petitioner will appear before the trial Court on the date fixed, unless personal presence is exempted.
4. The petitioner shall not commit an offence similar to the offence of which he is accused of, or for commission of which he is suspected.
5. The petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such

facts to the Court or to any police officer or tamper with the evidence.

In case of breach of any of the above conditions, the prosecution shall be at liberty to move an application for cancellation of bail, before this Court.

Nothing stated above shall be construed as a final expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail petition.

23.11.2022
Ajay Goswami

(DEEPAK MANCHANDA)

JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No