

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

107+212

CRM-4992-2023 IN/&
CRM-M-2760-2022 (O&M)
Date of decision: 02.02.2023

MANI

....Petitioner(s)

Versus

STATE OF PUNJAB

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Kunal Choksi, Advocate for
Mr. SPS Khaira, Advocate
for the petitioner.

Mr. Manipal Singh Atwal, DAG Punjab.

AMAN CHAUDHARY. J.

CRM-4992-2023

For the reasons stated in the application, same is allowed. Copy of order dated 23.01.2023 is taken on record subject to all just exceptions.

CRM-M-2760-2022

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.76 dated 06.05.2021, under Sections 22-C of the NDPS Act, registered at Police Station Koom Kalan, District Ludhiana.

Learned counsel contends that the petitioner is in custody since 01.08.2021. No recovery has been effected from him. The allegations against the petitioner are of piloting ambulance and giving information of the *nakas*. There is no telephonic conversation between the petitioner and co-accused Inderjit or

Karamjit Singh. The phone alleged to have been used was of co-accused Amrit Singh, who was involved in two other cases and has been granted regular bail by this Court vide order dated 23.01.2023 passed in CRM-M-25282-2022. The petitioner is not involved in any other case. Charges were framed on 20.01.2022 and only 08 out of 22 prosecution witnesses have been examined.

Learned State counsel has produced the custody certificate of the petitioner. Same is taken on record. As per the same, the petitioner has undergone custody of 01 year, 06 months and 02 days. He opposes the bail on the ground that there are specific allegations against the petitioner and as per the disclosure statement of Karamjit Singh, the contraband belonged to the present petitioner and co-accused Inderjit Singh. However, he is unable to controvert the submissions made by learned counsel for the petitioner regarding stage of the trial.

Heard.

In view of the facts and circumstances of the case, in particular that the is in custody since 01.08.2021; no recovery has been effected from him; co-accused has been granted regular bail; he is not involved in any other case; charges were framed on 20.01.2022 however only 08 out of 22 prosecution witnesses have been examined, 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. 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.
8. 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 abundantly clear that in case there is any breach 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

February 02, 2023

S.Sharma(syr)

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