

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

210

CRM-M-5679-2023
Date of decision: 29.05.2023

Ravi Singh and another

....Petitioners

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Ms. Dhanika Singla, Advocate
for the petitioners
Mr. H. S. Sullar, Sr. DAG, Punjab

AMAN CHAUDHARY. J.

1. The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail to the petitioners in case FIR No.68 dated 10.08.2022, registered under Sections 21 and 27 of the NDPS Act (Section 27-A of the NDPS Act) at Police Station Division No. 1, District Ludhiana.
2. Petitioner No.2 has been granted regular bail vide order dated 28.02.2023.
3. Learned counsel contends that petitioner No.1 has been in custody for the last about 5 months having been in custody since 06.01.2023. No recovery of any contraband has been effected from him. His name has surfaced based on the disclosure statement of the co-accused Sandeep from whom the recovery was of 30 grams of heroin. He relies on the judgment passed by Hon'ble The Supreme Court in the case of **Toofan Singh vs. State of Tamil Nadu**, 2021 (1) RCR (CrI.)

1. He is not involved in any other case under the NDPS Act. Co-accused, petitioner No. 2 Meena Rani has already been granted bail vide order dated 28.02.2023. Charges have been framed, however, none out of 15 prosecution witnesses have been examined.

4. The custody certificate dated 26.05.2023 filed by the learned State counsel is taken on record. As per the same, petitioner No. 1 is behind bars for the last 4 months and 20 days.

5. Learned State counsel opposes the bail on the ground that the name of petitioner No. 1 was disclosed by the co-accused from whom the recovery was effected. However, he is unable to controvert the submissions with regard to the stage of the case, co-accused having been granted bail and petitioner No. 1 being not involved in any other case.

6. Heard.

7. In view of the afore referred judgment and facts and circumstances of the case that the petitioner No. 1 has been in custody for the last 4 months and 20 days; he is not involved in any other case; co-accused has been granted bail; charges have been framed but none out of 15 prosecution witnesses have been examined as yet; the trial is likely to take considerable time, his incarceration would not serve any useful purpose, thus the present petition for grant of regular bail deserves to be allowed.

8. As a result, the present petition is allowed. The petitioner No. 1 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 his not being required in any other case. The petitioner No. 1 shall abide by the following conditions:-

1. The petitioner No. 1 will not tamper with the evidence during the trial.
2. The petitioner No. 1 will not pressurize/intimidate the prosecution witnesses.
3. The petitioner No. 1 will appear before the trial Court on each and every date fixed, unless is exempted by a specific order of Court.
4. The petitioner No. 1 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 No. 1 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 No. 1 shall not in any manner misuse his liberty.
7. The petitioner No. 1 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 No. 1 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 No. 1 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.
9. It is made clear that in case of any infraction of any of the aforesaid conditions, the State shall be at liberty to seek cancellation of bail as granted to the petitioner No. 1 by this order.
10. 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.

(AMAN CHAUDHARY)
JUDGE

29.05.2023

Mehak

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No